

EXHIBIT “E”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AHMED GAD, : No. 18-3900
:
Plaintiff :
:
vs. :
:
JOHN HARMAN, KYLE WENE, :
JOHN COLARUSSO, JACKIE :
McNAIR and JONATHAN :
GLOVAS, :

DEPOSITION

WITNESS: AHMED F. GAD
DATE: Tuesday, July 23, 2019
TIME: 12:39 p.m.
PLACE: Northampton County Prison
666 Walnut Street
Easton, PA 18042
REPORTER: Florita C. Hobaugh, RPR
Notary Public

KARASCH & ASSOCIATES
NATIONALLY REGISTERED PROFESSIONAL REPORTERS
(800) 621-5689

APPEARANCES:

PATRICK G. GECKLE, LLC
By: PATRICK G. GECKLE, ESQ.
1515 Market Street
Suite 1200
Philadelphia, PA 19102
(215) 735-3326
pgeckle@pgglaw.com
-- For the Plaintiff

THE MACMAIN LAW GROUP, LLC
By: CHARLES GILLIAM-BROWNLEE, ESQ.
433 West Market Street, Suite 200
West Chester, PA 19382
(484) 318-7106
cgilliam-brownlee@macmainlaw.com
-- For the Defendants

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<p>1 (The deposition commenced at 12:39</p> <p>2 p.m.)</p> <p>3 (It is stipulated by and between</p> <p>4 counsel for the respective parties that the</p> <p>5 reading and signing of the deposition</p> <p>6 transcript is waived, and that all objections,</p> <p>7 except as to the form of the question, are</p> <p>8 reserved until the time of trial.)</p> <p>9 * * *</p> <p>10 (AHMED F. GAD, having been duly</p> <p>11 sworn, was examined and testified as follows:)</p> <p>12 BY MR. GILLIAM-BROWNLEE:</p> <p>13 Q. Good afternoon, Mr. Gad. Would you please</p> <p>14 state your full name for the record.</p> <p>15 A. My name is Ahmed Feisal Gad.</p> <p>16 Q. Are you aware that you are here for a</p> <p>17 deposition in the matter of Gad v. Northampton</p> <p>18 County?</p> <p>19 A. Yes.</p> <p>20 Q. Have you been deposed before?</p> <p>21 A. Have I been what?</p> <p>22 Q. Deposed before?</p> <p>23 A. What's mean deposed?</p> <p>24 Q. What this is. This is a deposition.</p> <p>25 A. No, never been like that before.</p>	<p>1 A. Yes.</p> <p>2 Q. If I ask you a question that you don't</p> <p>3 understand, feel free to ask me to rephrase the</p> <p>4 question or ask the question in a different way.</p> <p>5 But if you answer a question, I will assume that</p> <p>6 you've understood my question and you've answered it</p> <p>7 truthfully and honestly. Do you understand that?</p> <p>8 A. Yes, sir.</p> <p>9 Q. If you don't recall an exact date or an</p> <p>10 exact time or an exact number or anything like that,</p> <p>11 it is okay to give me an estimate based on your best</p> <p>12 knowledge. But I do ask that you not guess. We</p> <p>13 want you to reflect what you actually know in this</p> <p>14 deposition.</p> <p>15 A. Um-hmm.</p> <p>16 Q. And I want to remind you that you are</p> <p>17 under oath, and that anything that -- your answers</p> <p>18 are still subject to a charge of perjury, subject to</p> <p>19 a criminal charge of perjury if they are untruthful</p> <p>20 intentionally.</p> <p>21 A. Yes, sir.</p> <p>22 Q. Understand that?</p> <p>23 A. Um-hmm.</p> <p>24 Q. Okay. How old are you?</p> <p>25 A. Forty-three right now, about to be 44 in</p>
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<p>1 Q. This is the first time you've been</p> <p>2 deposed?</p> <p>3 A. Yes.</p> <p>4 Q. This is a deposition, and it's essentially</p> <p>5 just a kind of a question -- answer-and-question</p> <p>6 session. I'm going to ask you a series of questions</p> <p>7 under oath, and you are going to answer them for me.</p> <p>8 The court reporter is going to take down</p> <p>9 everything that we say. Her job is a lot easier if</p> <p>10 we are not talking over each other. So I ask that</p> <p>11 you at least allow me to finish my question before</p> <p>12 you answer it.</p> <p>13 Occasionally in normal conversation you</p> <p>14 can kind of predict where a question is going. For</p> <p>15 the sake of making sure the record is clear, I ask</p> <p>16 that you wait until you fully hear my question</p> <p>17 before answering it.</p> <p>18 A. Um-hmm.</p> <p>19 Q. Second, I would ask that you answer</p> <p>20 verbally. Shaking your head yes or no, um-hmms and</p> <p>21 uhn-uhns, we in the room might understand, but the</p> <p>22 transcript won't really be able to reflect that. So</p> <p>23 I ask that you answer all questions either yes or no</p> <p>24 or however the answer depends on it.</p> <p>25 Do you understand that?</p>	<p>1 November.</p> <p>2 Q. Okay. And do you take any drugs or</p> <p>3 medication?</p> <p>4 A. Not before, just right now, because I've</p> <p>5 been went to psychiatric, and they did prescribe for</p> <p>6 me some mental health medication because of what</p> <p>7 happened to me in Northampton County.</p> <p>8 Q. What medications are you taking?</p> <p>9 A. Zoloft right now. It's called -- I think</p> <p>10 the name is Zoloft. I'm not sure. But I think,</p> <p>11 because I'm not -- they say it in front of me</p> <p>12 several times. So I think it is called Zoloft.</p> <p>13 Q. Is that the only medication you are</p> <p>14 taking?</p> <p>15 A. Yes, it's a medication for depression</p> <p>16 right now. You are talking about right now; right?</p> <p>17 Q. Yes.</p> <p>18 A. Yes, for depression and stress and</p> <p>19 something like that.</p> <p>20 Q. Is that the only drug that you are taking?</p> <p>21 A. Yes, that's what I'm taking.</p> <p>22 Q. Would that affect your ability to recall</p> <p>23 or remember things accurately?</p> <p>24 A. No, I don't think so. I don't know, but I</p> <p>25 don't think so.</p>

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<p>1 Q. Where did you live before you were 2 incarcerated at Northampton County Prison? 3 A. Before I got incarcerated? 4 Q. Yes. 5 A. I was living in 1847 Hamilton Street, 6 Allentown, PA, 18103. 7 Q. Who did you live with? 8 A. I was living with several people, like a 9 girl called -- she left to I think another city, but 10 she was Amber, one of them, Amber; Jay, I don't know 11 what's his real name, but his name is Jay. Amber, 12 Jay, Armando, Samantha, I think that's all. Me and 13 Amber and Samantha and Jay. 14 Q. And what was Amber's relationship to you? 15 A. No, she's just a roommate, and she was 16 like a friend. All of them are friends. 17 Q. All of them are just friends. So was this 18 kind of just like a group home? 19 A. We were working together. We were like 20 doing some work together like, and we were friends. 21 Like I used to work part-time sometime, so I knew 22 them through my job. And the owner of the house was 23 the owner of the business. So we were all living 24 together as a friend and co-workers. 25 Q. Okay. So Amber, Jay?</p>	<p>1 why? Or does it matter? 2 Q. Well, we'll get to -- 3 A. Okay, so I didn't live there much. I 4 lived there for two months or maximum three months. 5 I don't remember exactly. 6 Q. Okay. How long did you live at Bangor -- 7 42 Broadway, Bangor? 8 A. That's what I'm saying, two-three months 9 maximum. 10 Q. So you lived two or three months in 11 Bangor? 12 A. Yeah. 13 Q. So you lived two or three months in 14 Allentown? 15 A. No, in Allentown I was living more than 16 that. I said my wife was living in Allentown. I 17 was living in Allentown before I moved to Bangor. I 18 said I moved to Allentown from Bangor because some 19 problem happen in Allentown. There was a problem. 20 My wife was scared to live where we were living. 21 That's why I moved to Bangor. 22 My wife said that she's scared to live in 23 Allentown. That's why I moved to Bangor. But I 24 moved to Bangor for a little bit, just two or three 25 months. I don't remember exactly how much it was,</p>
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<p>1 A. Samantha. 2 Q. Samantha? 3 A. And Armando. 4 Q. Okay. And where did you live before you 5 lived at 1847 Hamilton Street? 6 A. Before that address, I was living in 7 Bangor, 42 -- 42 Broadway, Bangor. I don't remember 8 the zip code. 9 Q. And who did you live with there? 10 A. I was living with my wife. 11 Q. What is your wife's name? 12 A. Eva Fisher. 13 Q. How long did you live at 1847 Hamilton 14 Street? 15 A. Month or two, two months I would say, two 16 months, maybe three months, I can't say exactly. 17 It's not a long time. I just -- I just moved over 18 there because I was living before there in 19 Allentown. My wife is from Allentown, and I used to 20 live in Allentown. 21 So there is incident happened in Allentown 22 or a problem happened in Allentown, and that's why I 23 moved to there. I moved to there because of this 24 problem. So I just moved for a little bit, and 25 because of this problem. You want me to tell you</p>	<p>1 but only two or three months. And then I -- you 2 hear me? 3 Q. Yeah. 4 A. You say about Allentown. I living in 5 Allentown for longer, longer than that, like years. 6 Q. Okay. But I asked -- I asked you where 7 you lived right before you were arrested, and you 8 told me -- 9 A. I said in Allentown, Hamilton Street. 10 Q. And I asked you where you lived before 11 that. 12 A. Before, I lived in Bangor. I was living 13 in Bangor, 42 Broadway, for two-three months. 14 Q. So how long did you live in Allentown? 15 A. Years, all the time I was living in 16 Allentown, but not in Hamilton Street. I was living 17 in -- okay. I got what you mean. You want to 18 understand why I keep moving from Allentown to 19 Bangor? 20 Q. I'm just trying to get a sense of -- 21 A. I understand. 22 Q. -- how you moved -- 23 A. I will explain it to you more 24 specifically. I was living in Allentown, okay. 25 Then I knew my wife from Allentown. I married to my</p>

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<p>1 wife in Allentown.</p> <p>2 Then what happened is that when we were</p> <p>3 living in Allentown, me and my wife, there is an</p> <p>4 incident happened. My wife said that she got raped</p> <p>5 while I'm at work and she's scared to live in the</p> <p>6 same place where we were living. So we moved from</p> <p>7 Allentown to Bangor.</p> <p>8 And then when we moved to Bangor, I got</p> <p>9 the charge in Northampton County, which is simple</p> <p>10 assault or domestic violence, because allegedly she</p> <p>11 said that I slapped her, which I didn't, but</p> <p>12 whatever. We got no contact between me and my wife,</p> <p>13 between me and my wife, no contact.</p> <p>14 So I asked my wife, do you want to --</p> <p>15 there is no contact, so do you want to leave or me</p> <p>16 leave? She said I can't live here because my family</p> <p>17 is in Allentown. You have to take me to Allentown.</p> <p>18 So I took her to Allentown.</p> <p>19 And when I came back, I find the officers</p> <p>20 knocking on my door saying you can't stay here. I</p> <p>21 said but my wife is not here. They told me, you are</p> <p>22 evacuated. The judge evacuates you from the</p> <p>23 residence. That's why I moved back to Allentown and</p> <p>24 my wife moved back to Allentown. Do you understand</p> <p>25 me?</p>	<p>1 BY MR. GILLIAM-BROWNLEE:</p> <p>2 Q. And how long were you living there?</p> <p>3 A. Like a year, or maybe a year,</p> <p>4 approximately a year.</p> <p>5 Q. And then before you were living at 1847</p> <p>6 Hamilton Street, where were you living?</p> <p>7 A. I was living in Bangor, 42 Broadway.</p> <p>8 Q. And how long were you living there?</p> <p>9 A. Two-three months when I catch my charge,</p> <p>10 the domestic violence, and the judge evacuate me,</p> <p>11 and no contact between me and my wife, and I have to</p> <p>12 leave that address. That's why I go to Allentown.</p> <p>13 MR. GECKLE: It's not clear. When</p> <p>14 you got the no contact order, is that when you</p> <p>15 moved to Bangor?</p> <p>16 THE WITNESS: This is when I moved</p> <p>17 from Bangor.</p> <p>18 BY MR. GILLIAM-BROWNLEE:</p> <p>19 Q. All right. When you were in Bangor you</p> <p>20 were living with --</p> <p>21 A. I was living with my wife.</p> <p>22 Q. With Eva Fisher?</p> <p>23 A. Yes.</p> <p>24 Q. And at 1847 Hamilton Street you were</p> <p>25 living with Amber, Jay?</p>
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<p>1 Q. I'm trying to. So I want to go backwards.</p> <p>2 So obviously since I believe June of 2017 you've</p> <p>3 been at --</p> <p>4 MR. GECKLE: Here.</p> <p>5 Q. -- at Northampton County Prison; is that</p> <p>6 correct?</p> <p>7 A. June, 2017, yes, sir.</p> <p>8 Q. And before that you were living at 1847</p> <p>9 Hamilton Street?</p> <p>10 A. Yes, sir.</p> <p>11 Q. You were there for two months?</p> <p>12 A. No. No.</p> <p>13 Q. Two to three months?</p> <p>14 A. I was there more than that. I told you.</p> <p>15 MR. GECKLE: Where were you living</p> <p>16 when you got picked up and arrested; or when</p> <p>17 you got convicted and sent here, where were you</p> <p>18 living then?</p> <p>19 THE WITNESS: Oh, there is confusion.</p> <p>20 When I got convicted, I was out on bail, sir.</p> <p>21 I was out on bail.</p> <p>22 MR. GECKLE: So where were you living</p> <p>23 when you got convicted?</p> <p>24 THE WITNESS: When I got convicted in</p> <p>25 my trial I was living at 1847 Hamilton Street.</p>	<p>1 A. Armando and Samantha.</p> <p>2 Q. Do you know any of their last names?</p> <p>3 A. No. They might not be even their real</p> <p>4 names, but they are friends. I don't know. They</p> <p>5 call me Tom. We don't have to know each other real</p> <p>6 name, you know?</p> <p>7 Q. All right. Now, before you were at Bangor</p> <p>8 at 42 Broadway, Bangor, where were you living?</p> <p>9 A. Sorry, before I was at --</p> <p>10 Q. At 42 Broadway?</p> <p>11 A. Before Bangor?</p> <p>12 Q. Yes.</p> <p>13 A. I was living in -- I don't remember the</p> <p>14 number exactly, but it's I think 347 North Jordan</p> <p>15 Street. I'm not sure about the 347, but it's North</p> <p>16 Jordan Street. I was living in North Jordan Street.</p> <p>17 MR. GECKLE: What town?</p> <p>18 THE WITNESS: In Allentown.</p> <p>19 BY MR. GILLIAM-BROWNLEE:</p> <p>20 Q. Who were you living with?</p> <p>21 A. My wife. Eva Fisher.</p> <p>22 Q. And how long were you living there?</p> <p>23 A. I would say about a year.</p> <p>24 Q. Okay. Was there anyone else there living</p> <p>25 with you?</p>

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<p>1 A. No, just me and my wife in this address.</p> <p>2 Q. What about in Bangor, was there anyone</p> <p>3 else living with you and your wife in Bangor?</p> <p>4 A. No. When I live with my wife nobody live</p> <p>5 with me, just me and my wife.</p> <p>6 Q. And before -- sorry, before the Jordan</p> <p>7 Street, where were you living?</p> <p>8 A. Before Jordan, I was living in 529 North</p> <p>9 Front Street. 529 North Front Street. And that was</p> <p>10 next house to my wife. She was living 527 North</p> <p>11 Front Street.</p> <p>12 Q. Still in Allentown?</p> <p>13 A. Yeah. We were neighbors.</p> <p>14 Q. How long did you live there?</p> <p>15 A. In 529?</p> <p>16 Q. Yes.</p> <p>17 A. I can't say exactly, like years, years.</p> <p>18 But how many years, I don't want to say four or</p> <p>19 five, I don't want to say number and then you tell</p> <p>20 me you lie. I don't want to say that.</p> <p>21 Q. You can give me an estimate, if it was</p> <p>22 between five and ten years?</p> <p>23 A. I would say like -- an estimate is not</p> <p>24 going to consider lie? I don't want to say four and</p> <p>25 it's five. I don't want to say five and it's six.</p>	<p>1 written tests, and then I was going for my practical</p> <p>2 test to work. After the practical test I work as a</p> <p>3 flight instructor.</p> <p>4 MR. GECKLE: Listen to his question.</p> <p>5 He asked you if you were working before --</p> <p>6 THE WITNESS: I was working</p> <p>7 part-time.</p> <p>8 MR. GECKLE: Let him ask the</p> <p>9 questions, and then you answer the questions.</p> <p>10 We'll be here all day.</p> <p>11 THE WITNESS: I'm sorry.</p> <p>12 BY MR. GILLIAM-BROWNLEE:</p> <p>13 Q. I'll get into your educational history and</p> <p>14 all that, but just --</p> <p>15 A. I'm sorry.</p> <p>16 Q. So the question was, were you working</p> <p>17 before --</p> <p>18 A. Part-time. And I give the reason why it</p> <p>19 was part-time. But before that I was working full</p> <p>20 time.</p> <p>21 Q. And where were you working part-time?</p> <p>22 A. I was working part-time with the China --</p> <p>23 China King. It's a restaurant where all these</p> <p>24 people were working.</p> <p>25 Q. And I'm assuming that's a Chinese</p>
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<p>1 MR. GECKLE: Just tell him you're not</p> <p>2 sure.</p> <p>3 THE WITNESS: I'm not sure.</p> <p>4 BY MR. GILLIAM-BROWNLEE:</p> <p>5 Q. Okay.</p> <p>6 A. I'm not sure. Years, but how many years,</p> <p>7 I'm not sure.</p> <p>8 Q. Okay.</p> <p>9 A. I would say over three years, over four,</p> <p>10 but I don't know, exactly. I can't say.</p> <p>11 Q. So if I was to say three to four years,</p> <p>12 would that be an acceptable --</p> <p>13 A. Not -- I don't know exactly, I can't say.</p> <p>14 It can be five, it can be six, I don't -- years.</p> <p>15 Q. Were you working before you were</p> <p>16 incarcerated?</p> <p>17 A. I was studying and working. I was both.</p> <p>18 I was doing part-time job and I was -- I'm a</p> <p>19 commercial pilot, and also I'm a flight -- I was</p> <p>20 already going to work as a flight instructor in</p> <p>21 Gateway Aviation.</p> <p>22 And what happened is that I was studying</p> <p>23 to do my CFI, which is Certified Flight Instructor.</p> <p>24 I finished my written test for the CFI, and for my</p> <p>25 FOI, which is Fundamentals of Instruction, two</p>	<p>1 restaurant?</p> <p>2 A. Yeah.</p> <p>3 Q. How long were you working there?</p> <p>4 A. Not long, like -- because I told you I was</p> <p>5 studying at this time.</p> <p>6 MR. GECKLE: How long were you</p> <p>7 working there? You don't have to explain</p> <p>8 everything.</p> <p>9 THE WITNESS: Not long time. I can't</p> <p>10 remember exactly. I'm not sure.</p> <p>11 Q. Can you give me an estimate; a year, two</p> <p>12 years, three years?</p> <p>13 A. No, not that long.</p> <p>14 Q. I'm not holding you to --</p> <p>15 A. An estimate, it's not -- like I can't --</p> <p>16 I'm not sure. I can't say exactly like how many --</p> <p>17 it's not years. It's -- it's like I would say</p> <p>18 months, but how many I can't exactly say.</p> <p>19 Q. So less than a year?</p> <p>20 A. Yeah, less than a year, but a long time.</p> <p>21 No, not even six months. I was -- no.</p> <p>22 Q. And where were you working before that?</p> <p>23 A. Before that I -- I was just got fired from</p> <p>24 my job. I was working as a limousine driver in J&J,</p> <p>25 J&J Company.</p>

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<p>1 And I got fired from my job over there. I</p> <p>2 don't know why. They didn't give me a reason, they</p> <p>3 just let me out. They say we have no -- we have no</p> <p>4 much work, so you can't work with us. So I said</p> <p>5 okay.</p> <p>6 Q. How long were you working as a limousine</p> <p>7 driver?</p> <p>8 A. Estimate too?</p> <p>9 Q. Yeah, it's fine to give me an estimate.</p> <p>10 A. Months. But how many months I don't -- I</p> <p>11 say a year.</p> <p>12 Q. Okay.</p> <p>13 A. I'm not sure.</p> <p>14 Q. Was that full time or was that part time?</p> <p>15 A. That was full time, that was full time,</p> <p>16 because at this time I was just working, and I was</p> <p>17 living with my wife, and I have to support her</p> <p>18 and -- sorry.</p> <p>19 Q. And prior to -- did you work prior to the</p> <p>20 limousine company?</p> <p>21 A. Yeah. I was working before that. I was</p> <p>22 working in a lot of places. I was working in -- I</p> <p>23 was working through a company called Job Connection.</p> <p>24 Q. Okay.</p> <p>25 A. This company was taking me to a lot of</p>	<p>1 A. Exactly. Before that, before Job</p> <p>2 Connection, I would say I was working with -- let me</p> <p>3 remember. Before Job Connection?</p> <p>4 Q. Yeah.</p> <p>5 A. Oh, my God. I've been working a lot of</p> <p>6 places, but I -- before -- no, I used to work --</p> <p>7 that's through Job Connection. I used to work --</p> <p>8 can I say like -- like -- like the place, but I</p> <p>9 don't know the sequence. Like sometimes I can say I</p> <p>10 work here, but I worked somewhere. I don't want to</p> <p>11 say I work in there, and then I work -- I don't know</p> <p>12 the sequence.</p> <p>13 I work in Red Earth Farm. I was driving</p> <p>14 trucks to Philadelphia. I work in construction</p> <p>15 called -- I worked landscaping. But I don't</p> <p>16 remember the sequence. Which one before which one,</p> <p>17 I can't remember.</p> <p>18 Q. Okay.</p> <p>19 A. But I've been working all my life. I work</p> <p>20 in Red Earth Farm. I was -- I was delivering</p> <p>21 vegetables, and fruits, organic, to hospitals and</p> <p>22 to -- and to places like shelters and kids places in</p> <p>23 Philadelphia. And from here to Bath and</p> <p>24 Philadelphia and everywhere. Big job.</p> <p>25 Q. So what was your rate of pay at China King</p>
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<p>1 places. Like sometimes they put me in work with</p> <p>2 construction. Sometimes they put me in work in</p> <p>3 medical warehouses, sometimes -- like medicine.</p> <p>4 Sometimes -- they change my job, but I been working</p> <p>5 with them for like a few -- I would say a few years,</p> <p>6 Job Connection.</p> <p>7 Q. Is that like a temp --</p> <p>8 A. Temporary, yeah. Temp agency.</p> <p>9 Q. You say you were working for them for --</p> <p>10 A. A few years, like yeah.</p> <p>11 Q. Would that be less than seven years?</p> <p>12 A. Yeah, less than that, like maybe two</p> <p>13 years, three years, I'm not sure. I'm not sure. I</p> <p>14 can't say exactly, because you know when you are</p> <p>15 outside in the street, you don't think exactly where</p> <p>16 I move. You just work, you just go through life,</p> <p>17 you don't put dates, you know.</p> <p>18 Q. Okay. Prior to working with Job</p> <p>19 Connection, did you have any other employment?</p> <p>20 A. Yeah. I've been working all my life. But</p> <p>21 if you tell me exactly how many years, how many</p> <p>22 days, I'm not going to be able to tell you.</p> <p>23 Q. I'm just trying to pretty much go back ten</p> <p>24 years to figure out what your work history was for</p> <p>25 the last ten years.</p>	<p>1 restaurant?</p> <p>2 A. No, China King restaurant is not -- is not</p> <p>3 work. It was -- it was just -- I was delivering</p> <p>4 food. So it was a part-time, just next to my study.</p> <p>5 It wasn't like really pay, no. It was because I was</p> <p>6 living in his house, so it wasn't a pay. It was</p> <p>7 like kind of like -- he do me a favor, I do him a</p> <p>8 favor.</p> <p>9 Q. So you were pretty much being paid with</p> <p>10 housing?</p> <p>11 A. Kind of, yeah. Like living in the house</p> <p>12 and like he helped me, I help him, you know? When I</p> <p>13 have time free, I'm not studying, I go I help him.</p> <p>14 That's it.</p> <p>15 Q. And what was your rate of pay at --</p> <p>16 limousine driver, J&J?</p> <p>17 A. I was making good money over there. I was</p> <p>18 making three kind of pays. I was making gratuity,</p> <p>19 which is 30 percent of each ride, and I was making</p> <p>20 tips, and I was make 11 dollar per hour, so hourly,</p> <p>21 and gratuity and tips. So I was making good money</p> <p>22 at this.</p> <p>23 But I don't know -- it's \$11 per hour,</p> <p>24 that's the thing which is on hourly. But the other</p> <p>25 things, it's a gratuity, and this is kind of I don't</p>

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<p>1 know how to say it.</p> <p>2 Q. And what about when you were working with</p> <p>3 Job Connection, what was your rate of pay there?</p> <p>4 A. I reached to 14 or 15, I'm not sure. I'm</p> <p>5 not sure. It was far away. I'm not sure, but</p> <p>6 some -- depend where you work. Sometimes you go</p> <p>7 work in some places, like they give you \$14 per</p> <p>8 hour, \$13. Sometimes you work in some places, they</p> <p>9 give you are \$10 per hour. Sometimes you work in</p> <p>10 someplace they give you \$11 per hour. So they was</p> <p>11 moving me because it's a temporary agency, so I</p> <p>12 really don't remember. It's different.</p> <p>13 Q. Were you working 40 hours a week with Job</p> <p>14 Connection?</p> <p>15 A. More than that. I used to work -- even</p> <p>16 with J&J I used to work 60 hours, 80 hours. I do</p> <p>17 work all the time. Overtime, they offer me, I do</p> <p>18 it.</p> <p>19 Q. Okay. So what was the reason that you</p> <p>20 left Job Connection?</p> <p>21 A. I got in accident. I was working in</p> <p>22 Effort Foundry, and -- no, that's not -- that's not</p> <p>23 even the reason; I'm sorry. I'm sorry. No, that's</p> <p>24 not the reason. When I get in accident, they lay me</p> <p>25 because my hand was hurting me.</p>	<p>1 Q. Okay.</p> <p>2 A. Because I -- I was in work compensation.</p> <p>3 I said they fire me for no reason, and I went to</p> <p>4 Court with them, and they have either to give me job</p> <p>5 or to pay me, because I can't find a job. So they</p> <p>6 pay me for that time.</p> <p>7 Q. So you went to the unemployment --</p> <p>8 A. Yeah, I took unemployment.</p> <p>9 Q. -- compensation for it?</p> <p>10 A. Yeah.</p> <p>11 Q. Did you file a claim with them?</p> <p>12 A. With who?</p> <p>13 Q. With the Unemployment Compensation Board,</p> <p>14 and that's how you were --</p> <p>15 A. Yeah, for J&J.</p> <p>16 Q. Okay. Are you currently married?</p> <p>17 A. We're still married. I didn't get any</p> <p>18 divorce papers.</p> <p>19 Q. How long have you been married to</p> <p>20 Ms. Fisher?</p> <p>21 A. From the -- we married in 2015. So to</p> <p>22 now, it's going to be four years we've been married.</p> <p>23 But there is no contact since 2017 or '16, '17 I</p> <p>24 think? '16? I'm not sure, '16, 2016, was the</p> <p>25 claim. Yeah, there's no contact since 2016. We</p>
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<p>1 But after that, they bring me back. But I</p> <p>2 went back to work after my hand get healed, and when</p> <p>3 I went back to work, remember when I told you my</p> <p>4 wife was scared to stay at home by herself and</p> <p>5 that's why I moved? She used to come with me to my</p> <p>6 work most of the time, or all of the time and stay</p> <p>7 at my car. That's why they say you can't work no</p> <p>8 more, because my wife comes with me, and your wife</p> <p>9 cannot be in the field of the work.</p> <p>10 Q. That was at Job Connection?</p> <p>11 A. Yeah.</p> <p>12 Q. Okay. So you -- you were fired because</p> <p>13 your wife came to work?</p> <p>14 A. Stay in my car. It's not fired; they say</p> <p>15 we have no job. It's temporary, there's no like --</p> <p>16 you can't say nothing to them, you know, it's</p> <p>17 temporary, we have no job for you. You can't tell</p> <p>18 them like, why you fire me. It's a temporary</p> <p>19 agency. It's temporary, not permanent.</p> <p>20 Q. And you say that you were laid off from</p> <p>21 J&J without any explanation?</p> <p>22 A. No. There is no explanation for that.</p> <p>23 And -- and that's why I -- I -- I took a work</p> <p>24 compensation from them, and I won it, and they pay</p> <p>25 me for the time they lay me off, which is J&J.</p>	<p>1 separated since. Supposedly we separated since</p> <p>2 2016.</p> <p>3 Q. Were you married at any point prior to</p> <p>4 Ms.--</p> <p>5 A. Yeah, I was married in Florida to Crystal.</p> <p>6 Her name is Crystal Gad. She took my last name. I</p> <p>7 don't know what is her last name. She took my last</p> <p>8 name. Crystal Gad, and we were divorced.</p> <p>9 Q. When were you married?</p> <p>10 A. Sorry?</p> <p>11 Q. When did you get married to Miss Crystal</p> <p>12 Gad?</p> <p>13 A. I got married to Crystal -- we didn't get</p> <p>14 married long. We got married in 2010, I think, and</p> <p>15 we divorced in 2011, something like that.</p> <p>16 Q. How long did you live in Florida?</p> <p>17 A. I lived in Florida from 2009 to 2012. I</p> <p>18 think 2012, yeah. That's when I moved to</p> <p>19 Pennsylvania. 2012 or '11? 2012. I'm not sure.</p> <p>20 Q. Do you know where you lived in Florida?</p> <p>21 A. Yeah, I was living in Atlantic -- it's</p> <p>22 called A1A, A1A Street, or Atlantic. It's the same</p> <p>23 name, A1A Street in Florida, in some resort over</p> <p>24 there, I don't remember the number. And it's like a</p> <p>25 condominium. And I was living over there, and --</p>

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<p>1 Q. Do you know the city?</p> <p>2 A. Yeah, Daytona Beach.</p> <p>3 Q. Have you lived anywhere else in the United</p> <p>4 States?</p> <p>5 A. Yeah. I lived in Egypt.</p> <p>6 Q. In the United States?</p> <p>7 A. Sorry? In the United States?</p> <p>8 Q. Yes, besides Florida and Pennsylvania.</p> <p>9 A. Have I lived anywhere -- I used to study</p> <p>10 in California when I was studying at the Universal</p> <p>11 Air Academy. I used to study over there. And I</p> <p>12 study in California. This is when I lived -- this</p> <p>13 was long time ago. That was year '99 or 2000, I</p> <p>14 don't remember, but anyway, I used to live in</p> <p>15 California, Los Angeles.</p> <p>16 Q. Los Angeles from --</p> <p>17 A. You talking about the dates?</p> <p>18 Q. Yes.</p> <p>19 A. I would say '99 to 2000. One year,</p> <p>20 approximately.</p> <p>21 Q. Were you born in the United States?</p> <p>22 A. No.</p> <p>23 Q. Where were you born?</p> <p>24 A. In Egypt.</p> <p>25 Q. And is that where you lived prior to</p>	<p>1 A. No. I'm talking about the marriage.</p> <p>2 You're talking about the United States; right?</p> <p>3 Q. Yes.</p> <p>4 MR. GECKLE: He didn't ask you about</p> <p>5 the marriage. He asked if you practice any</p> <p>6 faith.</p> <p>7 THE WITNESS: Yes.</p> <p>8 MR. GECKLE: What faith do you</p> <p>9 practice?</p> <p>10 THE WITNESS: Muslim.</p> <p>11 BY MR. GILLIAM-BROWNLEE:</p> <p>12 Q. Have you ever practiced any other faith</p> <p>13 besides --</p> <p>14 A. No. I born Muslim.</p> <p>15 Q. Prior to being arrested were you attending</p> <p>16 mosque regularly?</p> <p>17 A. I don't understand this question. Prior</p> <p>18 to being arrested what?</p> <p>19 Q. Prior to being arrested, did you attend a</p> <p>20 mosque?</p> <p>21 A. Did I go to the masjid? Yeah. Yeah. I</p> <p>22 used to go to the masjid, or mosque; it's the same</p> <p>23 meaning.</p> <p>24 Q. Where did you attend the masjid?</p> <p>25 A. In Whitehall. In Whitehall. Whitehall,</p>
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<p>1 coming to the United States?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So besides California, Florida and</p> <p>4 Pennsylvania, have you lived anywhere else in the</p> <p>5 United States?</p> <p>6 A. I'm not sure. I don't think so. I'm not</p> <p>7 sure.</p> <p>8 Q. So you married Ms. Crystal Gad in 2010 and</p> <p>9 you were divorced in 2011?</p> <p>10 A. Yeah.</p> <p>11 Q. Have you been married any other time?</p> <p>12 A. No.</p> <p>13 Q. Neither -- besides Ms. Eva Fisher, which</p> <p>14 came after, you were not married before 2010?</p> <p>15 A. No.</p> <p>16 Q. Do you have any children?</p> <p>17 A. No.</p> <p>18 Q. Do you practice any particular faith?</p> <p>19 A. I'm Muslim.</p> <p>20 Q. Or religion?</p> <p>21 A. You're talking about the United States;</p> <p>22 right? Everything is about in the United States;</p> <p>23 right?</p> <p>24 Q. Well, we can -- did you change your</p> <p>25 religion at some point?</p>	<p>1 Pennsylvania, there is a masjid over there. And on</p> <p>2 Linden Street, there is a masjid over there. In</p> <p>3 Daytona Beach when I used live over there, there was</p> <p>4 a masjid there. I used to go to all of them.</p> <p>5 Q. Let's focus on Pennsylvania. You went to</p> <p>6 a masjid in Whitehall, Pennsylvania?</p> <p>7 A. Yes, sir.</p> <p>8 Q. Do you know the name of the masjid?</p> <p>9 A. It's called the Muslim Center. That's</p> <p>10 what they called. There is a big board that is</p> <p>11 written the Muslim Center over there.</p> <p>12 Q. How long were you going there?</p> <p>13 A. Every week. Every week at least once or</p> <p>14 twice, at least.</p> <p>15 Q. I mean how many years --</p> <p>16 A. All the time.</p> <p>17 Q. -- did you attend?</p> <p>18 A. All the time I'm here, when I'm living in</p> <p>19 Pennsylvania, all the time.</p> <p>20 Q. Since you moved to Pennsylvania, that was</p> <p>21 the masjid that you went to?</p> <p>22 A. Since I'm moving to Pennsylvania, that was</p> <p>23 the whole time. And I go to Linden, but the one in</p> <p>24 Linden Street got burned. There was a fire happened</p> <p>25 over there. They closed it for a while. So I was</p>

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<p>1 going to both. But when the fire happened in Linden 2 Street, I've been going only to the one in 3 Whitehall, because there is no other one.</p> <p>4 Q. What was the name of the one that was 5 on -- on Linden Street?</p> <p>6 A. Yes, it's just a -- a Muslim masjid. I 7 don't know. There is no name for it. It was on 8 Linden Street.</p> <p>9 Q. Linden Street in what city?</p> <p>10 A. In Allentown. Linden Street, Allentown.</p> <p>11 Q. And you don't -- there was no name for it; 12 it was just --</p> <p>13 A. Muslim center. It can be the same, but I 14 didn't see any name or any board saying anything. 15 It's like a Muslim center or masjid.</p> <p>16 Q. And how often would you attend, meaning 17 how many times a week?</p> <p>18 A. At least twice, at least. Sometimes 19 three, sometimes four. At least twice. The Jumah 20 is necessarily, that is, I have to go every week.</p> <p>21 Q. Have you ever missed any weeks?</p> <p>22 A. No. No. It was very -- even my wife 23 know, it was very important for me. I used to leave 24 my job just to go to pray. I used to leave my job. 25 I used to -- especially the Jumah, the Friday. Even</p>	<p>1 Q. Do you pray every day?</p> <p>2 A. I pray every day, yeah.</p> <p>3 Q. Did you pray every day before you were 4 arrested?</p> <p>5 A. Yes. My wife saw me praying.</p> <p>6 Q. How often would you pray?</p> <p>7 A. Every day.</p> <p>8 Q. I mean how many times a day?</p> <p>9 A. Five times. This is -- this is not -- 10 this is obligatory. You can pray more if you want, 11 but this is what you have to do, five times a day. 12 Even when you sit -- even if you can't do it, you 13 have to do it, either way. Even if I'm working, 14 like say, for example, I left the house in the 15 morning. I pray the Fajr. I go to work. I'm 16 working.</p> <p>17 Sometimes I sneak from my work to go 18 outside or take a pray just to pray, in the street, 19 in my car. I have to pray. I go to bathroom, I 20 wash, and then I do my pray. I come at night. 21 Before I sleep I pray. I have to pray. This is 22 very very obligatory in my religion. If you are not 23 praying, you are not Muslim. It's part of your 24 religion to pray.</p> <p>25 Five things in the Muslim they have to do</p>
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<p>1 you can ask David. I used to tell him, give me off 2 Friday. When he need me, I said if you need me, I 3 cannot do it until after I pray. I have to pray the 4 Jumah, and this is very important to me.</p> <p>5 Q. Excuse me. Would you usually -- would you 6 attend it with anyone?</p> <p>7 A. Sorry?</p> <p>8 Q. Would you attend with anyone? Would you 9 go with anyone to the masjid?</p> <p>10 A. Eva used sometime to come with me. She's 11 Christian, but I used to go with her, and she used 12 to come with me, like even if she don't want to 13 attend, she can stay in the car, or she can go 14 anywhere, if she want to attend, if she want to 15 listen. My wife sometimes used to come with me.</p> <p>16 Q. Anyone else?</p> <p>17 A. No. I'm living with my wife. Who I going 18 to take? No, I just go by myself. If she don't 19 want to come, I go by myself, yeah.</p> <p>20 Abd Ell Hady, he is the manager over 21 there, he knows me. He knows me in the masjid. His 22 name Abd Ell Hady.</p> <p>23 Q. Could you spell that?</p> <p>24 A. A-B-D, Abd, E-L-L, Hady, H-A-D-Y. E-L-L, 25 Hady, H-A-D-Y. Abd Ell Hady. He knows me.</p>	<p>1 it, to pray, to fast Ramadan, to do the Hajj if you 2 can, and to -- and to say (speaking in Arabic).</p> <p>3 MR. GECKLE: You're going way too 4 fast, and plus he didn't ask you this. He 5 asked you how many times you pray.</p> <p>6 THE WITNESS: There is five things to 7 be a Muslim. Okay, slow, pray, fast Ramadan.</p> <p>8 MR. GECKLE: That's Ramadan, right?</p> <p>9 THE WITNESS: Right, to fast Ramadan, 10 to pray the five prayers at least, this is 11 obligatory, and to do the Hajj, to do the Hajj 12 if you can. If you have money, you have to do 13 it. If you don't have money -- and to do the 14 Zakah, which is a donation.</p> <p>15 MR. GECKLE: What's the last thing 16 there, the donation, what's it called?</p> <p>17 THE WITNESS: The Zakah.</p> <p>18 MR. GECKLE: How do you spell that?</p> <p>19 THE WITNESS: Z-A-K-A-H.</p> <p>20 MR. GECKLE: And H is H-A-J?</p> <p>21 THE WITNESS: H-A-J, Hajj. And to 22 say -- and to believe in only one God, and 23 Mohammed is one of the prophets of God.</p> <p>24 BY MR. GILLIAM-BROWNLEE:</p> <p>25 Q. Okay. So you will pray every single</p>

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<p>1 day --</p> <p>2 A. Yeah, if I miss it I'm not Muslim. I have</p> <p>3 to pray.</p> <p>4 MR. GECKLE: Let him ask a question,</p> <p>5 and answer the question. You don't have to</p> <p>6 explain everything.</p> <p>7 Q. Would you pray alone?</p> <p>8 A. If I had the chance to pray with people, I</p> <p>9 will. If I don't have the chance to pray with</p> <p>10 people, I pray alone. But either way. Like say I'm</p> <p>11 working --</p> <p>12 Q. Okay. Did you ever skip any prayers?</p> <p>13 A. No.</p> <p>14 Q. Okay. All right. Now I'm going to get</p> <p>15 into your educational background, and you can tell</p> <p>16 me about this -- you say that you are -- did you</p> <p>17 attend any college or trade schools?</p> <p>18 A. Yes. Yes.</p> <p>19 Q. Which ones?</p> <p>20 MR. GECKLE: Maybe we can do this in</p> <p>21 sequence. How far did you go to school in</p> <p>22 Egypt?</p> <p>23 THE WITNESS: Okay.</p> <p>24 MR. GECKLE: All right. And then</p> <p>25 tell us what you did in Egypt, and tell us what</p>	<p>1 than engineer. I love to fly airplanes.</p> <p>2 So I came to the United States and I</p> <p>3 studied -- first when I came to the United States, I</p> <p>4 studied in Embry Riddle. I was there to do my</p> <p>5 pilot, Embry Riddle, phonetically, University.</p> <p>6 Then after that it was too expensive for</p> <p>7 me. I studied for there for a little bit. Then it</p> <p>8 was too expensive, so I moved from Embry Riddle. I</p> <p>9 went to California.</p> <p>10 Q. Okay. Before we leave, where was Embry</p> <p>11 Riddle?</p> <p>12 A. This was in Daytona Beach, Florida. This</p> <p>13 is the first place I came. Then I moved to</p> <p>14 California in Universal Air Academy.</p> <p>15 Q. How long were you at Embry Riddle</p> <p>16 University?</p> <p>17 A. I can't recall. Months, but I can't</p> <p>18 remember exactly. Months.</p> <p>19 Q. So probably one semester? Would that</p> <p>20 be --</p> <p>21 A. Maybe something like that. I can't</p> <p>22 recall. I'm not saying. Approximately.</p> <p>23 Q. Okay. Thank you.</p> <p>24 A. Then I went to Universal Air Academy in</p> <p>25 California. And I finished my commercial pilot in</p>
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<p>1 you did when you moved to the United States.</p> <p>2 THE WITNESS: Okay.</p> <p>3 MR. GECKLE: Keep it in order. It</p> <p>4 might be easier for you.</p> <p>5 A. Okay. I finished my high school. And</p> <p>6 then I went to, in Egypt to -- it's called civil --</p> <p>7 Aviation Civil Institution, Aviation Civil</p> <p>8 Institution. The Aviation Civilian Institution I</p> <p>9 studied. In this Aviation Civilian Institution I</p> <p>10 studied to be an aircraft engineer.</p> <p>11 So I finished my aircraft engineering as</p> <p>12 aircraft engineer for power plant and airframe for</p> <p>13 air crafts. Okay?</p> <p>14 Then after that, after I finished my --</p> <p>15 Q. How long did you -- how long did you do</p> <p>16 that? How long did you attend the Aviation Civil</p> <p>17 Institution?</p> <p>18 A. From '94 to '98. This is when I finished.</p> <p>19 Q. Okay.</p> <p>20 A. 1994 to 1998.</p> <p>21 Q. Okay. And then after that you --</p> <p>22 A. Then I traveled to United States. I came</p> <p>23 in 1998 to United States, so I can -- because I want</p> <p>24 to be a pilot. My mom, she told me that she wanted</p> <p>25 me to be an engineer, but I like to be a pilot more</p>	<p>1 Universal Air Academy in California.</p> <p>2 Q. Where was that?</p> <p>3 A. In El Monte, California. It's called El</p> <p>4 Monte.</p> <p>5 Q. And how long were you there?</p> <p>6 A. I would say from '99 to 2000, like a year.</p> <p>7 Q. Did you graduate with a --</p> <p>8 A. I took my commercial pilot from there,</p> <p>9 yeah. I finished from there.</p> <p>10 Q. Okay. Have you had any other -- other</p> <p>11 formal school or training?</p> <p>12 A. No. That's my career, only pilot and</p> <p>13 engineer. That's my -- aviation.</p> <p>14 Q. So you haven't attended any other schools</p> <p>15 since, or trade school, since 2000, or universities?</p> <p>16 A. Are you talking about like courses or</p> <p>17 something like that?</p> <p>18 Q. Yes, any education, either a school or</p> <p>19 trade school or --</p> <p>20 A. Yeah. Yeah. I went back to Egypt after</p> <p>21 2000. After I finished my education, I went back to</p> <p>22 Egypt. I was working as both, as an engineer and a</p> <p>23 pilot, both. And I was in Egypt Air. I took the</p> <p>24 Airbus 320. You know, the Airbus 320? You talking</p> <p>25 about education, right? You told me have you</p>

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<p>1 attended any classes. I told you, yes. I've been 2 doing a lot of studying in aviations, yeah.</p> <p>3 Q. Okay. But that was just kind of a course 4 to learn how to fly a particular plane?</p> <p>5 A. Yeah, like ratings. Like some -- I work 6 in the balloon, you know, hot air balloon. I was a 7 general manager over there, engineering, general 8 manager for the whole company. I was -- I did a lot 9 of study. Yeah, I did a lot of study.</p> <p>10 Q. Earlier you mentioned that you were 11 attending school -- you were attending some type of 12 school right before you were arrested?</p> <p>13 A. Yeah. I was in Gateway Aviation in 14 Allentown to do my CFI. CFI is Certified Flight 15 instructor, to work as a flight instructor in 16 Gateway Aviation. I took the deal with Bradley 17 Snyder, he's the owner of the school. And I told 18 him I do my CFI in your school, and you hire me as a 19 flight instructor, and he said yes. We got a deal.</p> <p>20 So I began studying. I finished my two 21 written exams, which I said the CFI and the FOI, and 22 I was going for my practical, which is the last one, 23 but I got arrested.</p> <p>24 Q. And how long were you at Gateway Aviation? 25 A. Right before I got arrested, like I say a</p>	<p>1 than that. You got what I mean?</p> <p>2 Q. Yeah.</p> <p>3 A. The last period I was attending in the 4 school is like a month, just to prepare to go to 5 my -- to my test, my practical test. This is when I 6 have to fly and view all the maneuvers with my 7 instructor, like go do the steep turns, sit with me 8 and tell me -- explain for me what the stall is, 9 explain for me what the spin is, explain to me what 10 is the weather like that, you can't fly in this, 11 what kind of clouds is dangerous, what kind of -- 12 this is revision, just to prepare yourself.</p> <p>13 Q. Okay. So did you say that there was a 14 course before that that you took or was --</p> <p>15 A. Yeah, it's every book is different test.</p> <p>16 Q. And how -- so is it a set schedule for how 17 long each book --</p> <p>18 A. Yeah. The book depend on you. But the 19 book can take -- the book is over a thousand 20 questions. You have to study them and go and take 21 the test. And then another book, over a thousand 22 question. And then you go take the test. Then the 23 practical test, which they can ask you about 24 everything.</p> <p>25 Q. So just -- so you studied the book kind of</p>
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<p>1 month, like a month.</p> <p>2 Q. Did you graduate with --</p> <p>3 A. Two month.</p> <p>4 Q. Did you graduate with your CFI?</p> <p>5 A. I was having one more exam, but I got 6 arrested. I have only the practical test, and I got 7 arrested before that. That's the CFI. I didn't 8 finish it because of that.</p> <p>9 If I want to do it, I have to repeat all 10 the exams again. It's like two month I say. Two 11 month. But the study tooks longer, like when I go 12 to him, like six months, like he tell me, finish 13 your exam, like six months. I went to him, I took 14 the deal.</p> <p>15 So finish your study, take your -- so I 16 have to go home and study, first book, and then I go 17 finish it. Then I go home, I study the second book. 18 And then I do the FAA exam and finish it. And then 19 I go and begin flying.</p> <p>20 I was flying for one month, beginning to 21 take my -- with my instructor to go to my test. 22 That's when I -- but I took the deal like before 23 that, months before that.</p> <p>24 But I did my two tests, not in two months, 25 not in one month. I did my two tests for longer</p>	<p>1 on your own; there wasn't an actual formal class?</p> <p>2 A. Because I'm a pilot already, I don't need 3 nobody. You can take classes, you can take, but it 4 cost you money. So I was trying to depend on myself 5 more, just to -- to --</p> <p>6 Q. Okay.</p> <p>7 A. I ask my instructor if I stuck with 8 everything, but I was doing self study.</p> <p>9 Q. All right. So do you have any medical 10 conditions?</p> <p>11 A. Not before I got arrested. I wasn't going 12 to any doctor or anything.</p> <p>13 Q. You didn't have any -- you didn't have a 14 primary care physician; is that what you are saying?</p> <p>15 A. No.</p> <p>16 Q. Okay. So you didn't have any prior 17 medical conditions prior to being arrested?</p> <p>18 A. No. I -- maybe I went to -- I don't 19 understand, what do you mean?</p> <p>20 Q. Medical conditions, any ailments, any --</p> <p>21 A. Like take your medicine and going to 22 doctor all the time and this stuff, right? No. If 23 you are talking about something happen, like say, 24 for example -- for example, I went to the hospital 25 because my hand got burned, or an accident happened</p>

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<p>1 on my job, like I told you when I got accident in 2 Job Connection, yeah. But not like -- not 3 continuously. Like it's for one time, two time, and 4 that's it. No. 5 Q. Okay. 6 A. Like I'm not on medicine like now. Now 7 I'm taking mental medication every day. Every day I 8 have to take it. And when I don't take it, I got 9 stressed. Before I wasn't on medication. That's 10 what I want to explain to you. 11 Q. So prior to you being arrested, you never 12 had any mental health diagnoses or anything like 13 that? 14 A. No. I didn't take any medication. 15 Q. Did you have any mental health diagnoses? 16 A. I don't know this means. 17 Q. Were you ever diagnosed with a mental 18 health issue? 19 A. No. I don't -- I don't recall that. 20 Q. Okay. Where did you -- so you say that 21 you didn't want to go to the hospital before for 22 your hand. Where did you go for that? 23 A. I can't hear you. I can't understand. 24 Q. You went to the hospital before when you 25 burnt your hand?</p>	<p>1 A. If you talking about arrests, I would say 2 like all together five times. But the convictions, 3 none except one simple assault long time ago. But 4 five-six times, I'm not sure. That's when I got 5 arrested a lot, because I used to have an ex 6 girlfriend, she used to accuse me a lot. 7 MR. GECKLE: You don't have to 8 explain. He'll ask you. If he wants to know 9 why you were arrested, he'll ask you. 10 He asked you how many times you were 11 arrested. You said five? 12 THE WITNESS: I'm not sure, five or 13 six times. 14 Q. Five or six times, okay. 15 A. Maybe four times. 16 Q. When was the first time you were arrested? 17 A. In Daytona Beach with my ex girlfriend. 18 Q. Not your wife, but your ex girlfriend? 19 A. She was an ex girlfriend. She was a 20 girlfriend at this time, yeah, but she's my ex. 21 Q. So it was -- 22 A. At Daytona Beach she was my girlfriend. 23 Q. Okay. When was that? When were you 24 arrested? 25 A. When?</p>
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<p>1 A. No. No. I didn't burn my hand. One time 2 I was cooking, and I dropped something on my leg, 3 and I went to the hospital for that, like a dot of 4 oil splash on me, and I went for -- this is nothing, 5 they just give me a cream. 6 Q. Do you know what hospital you went to? 7 A. Huh? 8 Q. Do you know -- 9 A. Yeah, it was in Allentown. It was on 10 Fourth Street, I think. I'm not sure. Fourth 11 Street, I think the one on Fourth Street. One on 12 Fourth Street, the hospital on Fourth Street, 13 Allentown. And they give me a cream. They say put 14 this cream on. 15 It was like oil splash, you know when the 16 oil splash on your skin and it burn you, like that, 17 something like that. 18 Q. I understand. Have you ever been to any 19 other hospitals or any type of -- 20 A. I'm not sure. I can't recall. I'm not 21 sure. This is like -- I'm talking about four or 22 five years ago, like if I talk about. Before that, 23 you're talking about long time, so I can't recall 24 it. I'm not sure. 25 Q. How many times have you been arrested?</p>	<p>1 Q. Yes. 2 A. 2011, 2010 or '11, I'm not sure. 3 Q. Why were you arrested? 4 A. She accused me. 5 Q. What did she accuse you of? 6 A. She accused me of a lot of things, a lot. 7 I went to trial and I win and everything get 8 dismissed. Do you want to know the charges? 9 Q. Yes. 10 A. The charges, she accused me -- one charge, 11 this was one charge, she accused me with aggravated 12 assault, sexual assault, burglary of her dwelling, 13 this was all one charge, kidnapping, kidnapping or 14 false imprisonment, something like that, and 15 violation of injunction. 16 That was all one charge. And I went to 17 trial. And they dismiss all my charges. 18 Q. And that was in 2011? 19 A. That was in 2011. And she said she don't 20 know me, and she lie, and -- I don't want to 21 explain, but everything was a lie. And after that 22 we been back together, and we're not together now. 23 Q. Okay. The second time you were arrested? 24 A. Me and her, we moved to Pennsylvania. 25 She's the same girl. And she arrested me in</p>

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<p>1 Pennsylvania again.</p> <p>2 Q. Miss Crystal Gad you are talking about?</p> <p>3 A. No, no, no, no, not Crystal Gad. This is</p> <p>4 my wife. Crystal Gad you are talking about</p> <p>5 marriage. Crystal Gad was my wife; never get</p> <p>6 arrested with her.</p> <p>7 MR. GECKLE: What was the name of the</p> <p>8 girl that got you arrested?</p> <p>9 THE WITNESS: Maryam, M-A-R-Y-A-M,</p> <p>10 E-Z-Z-A-T.</p> <p>11 BY MR. GECKLE:</p> <p>12 Q. So Maryam Ezzat was the one who had you</p> <p>13 arrested in 2011?</p> <p>14 A. Yeah, this was after my wife. My wife,</p> <p>15 Crystal, we never got arrested together. Maryam</p> <p>16 Ezzat is the one who got me arrested.</p> <p>17 Q. So now the next time you got arrested was</p> <p>18 in Pennsylvania?</p> <p>19 A. Because of Maryam Ezzat.</p> <p>20 Q. When did that happen?</p> <p>21 A. That was in 20 -- not sure, 2013 maybe,</p> <p>22 2014. I'm not sure, 2013 -- something like that.</p> <p>23 I'm not sure.</p> <p>24 Q. Okay. So about 2012, 2013?</p> <p>25 A. Something like that. I'm not sure.</p>	<p>1 A. So he told me, okay, you want to take the</p> <p>2 plea, you are going to go on probation. So I said,</p> <p>3 I going to leave today? He said yes. I said okay,</p> <p>4 and I left.</p> <p>5 Q. And the next time you were arrested, when</p> <p>6 was that?</p> <p>7 A. This time. This time.</p> <p>8 Q. This time was the --</p> <p>9 A. After this time, this time. This time</p> <p>10 when I got arrested.</p> <p>11 Q. So -- and so when were you arrested for</p> <p>12 what you are in prison for now?</p> <p>13 A. Sorry, I --</p> <p>14 Q. When were you arrested for this?</p> <p>15 A. What date? 2017, when I got arrested.</p> <p>16 MR. GECKLE: I think it was 2016.</p> <p>17 THE WITNESS: 2016 is the charge, but</p> <p>18 I got arrested after trial in 2017.</p> <p>19 MR. GECKLE: You got arrested, but</p> <p>20 you were out on bail.</p> <p>21 THE WITNESS: Ah, yeah. 2016, yes,</p> <p>22 sir, you are right.</p> <p>23 BY MR. GILLIAM-BROWNLEE:</p> <p>24 Q. 2016?</p> <p>25 A. Yeah, they release me on ROR.</p>
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<p>1 Q. Why were you arrested?</p> <p>2 A. She accuse me with simple assault and</p> <p>3 intimidation of the witness. She's the one who come</p> <p>4 to me and give me intimidation. Anyway.</p> <p>5 Q. There were -- what was the result of --</p> <p>6 A. I took a plea, no contest. I took a plea</p> <p>7 just to get out of the jail. I want to get out of</p> <p>8 the jail, so they tell me, the lawyer came to me and</p> <p>9 he said, you want to get out of the jail today, you</p> <p>10 plead guilty. I said I'm not going to plead guilty.</p> <p>11 He said, okay, what about you plead no contest? I</p> <p>12 will leave today? He said yes. So I took it. They</p> <p>13 make me leaving the same day.</p> <p>14 I was about to go to trial. And the trial</p> <p>15 was -- they did the -- the Judge I went to the Court</p> <p>16 and I said to the Judge, I want to go to trial. And</p> <p>17 the lawyer get mad at me, and he said, what are you</p> <p>18 doing, what are you doing. And he took me. I said</p> <p>19 I'm going to trial. Then he come to me in the jail</p> <p>20 again, and he told me, why you don't want to --</p> <p>21 you're going to stay another month. I say I don't</p> <p>22 want to stay another month, I've been in jail a long</p> <p>23 time. I was almost four months.</p> <p>24 MR. GECKLE: What county is it?</p> <p>25 THE WITNESS: Lehigh County.</p>	<p>1 Q. Was that also in Lehigh County?</p> <p>2 A. No, that's this time.</p> <p>3 MR. GECKLE: Northampton County.</p> <p>4 THE WITNESS: Northampton County.</p> <p>5 Q. Okay. And what were the charges?</p> <p>6 A. Simple assault and harassment.</p> <p>7 Q. Who filed the charges?</p> <p>8 A. My wife, Eva Fisher.</p> <p>9 Q. So you say that you were out on bail --</p> <p>10 you were arrested in 2016, and then you were allowed</p> <p>11 out on bail?</p> <p>12 A. I got arrested, the Judge released me on</p> <p>13 ROR. I left. I went back. He said no contact. I</p> <p>14 said can I go and pick my stuff. I said that to the</p> <p>15 Judge, can I go and pick my stuff, because my car is</p> <p>16 at the house, everything is in Bangor. He said yes.</p> <p>17 I went back to the house. I talked to my</p> <p>18 wife. I said -- my wife, actually when they</p> <p>19 arrested me, she was kissing me when they putting</p> <p>20 the handcuffs on me.</p> <p>21 Anyway, I went back to the house, I talked</p> <p>22 to my wife, and I told her, the Judge said no</p> <p>23 contact, so either me or you have to leave. She</p> <p>24 said I'm from Allentown, and I don't drive. So if</p> <p>25 you leave, I'm not going to be able to do nothing.</p>

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<p>1 Take me to my mom in Allentown.</p> <p>2 So I said, okay, pick your stuff. She</p> <p>3 picked her stuff. I took her to Allentown, and I</p> <p>4 came back to Bangor. When I came back to Bangor, I</p> <p>5 find the police knocking on my door. What are you</p> <p>6 doing here?</p> <p>7 I said I know there is no contact. My</p> <p>8 wife is not at house. They said, the Judge evacuate</p> <p>9 you from the residence. You can't be in here.</p> <p>10 So I said, okay. So I packed my stuff,</p> <p>11 and I left the house too.</p> <p>12 So both of us left Bangor. I went to live</p> <p>13 in Hamilton Street, and she went to live with her</p> <p>14 mother.</p> <p>15 Q. Okay. And then you were rearrested in</p> <p>16 2017?</p> <p>17 A. No. I was in jail since then. Oh, are</p> <p>18 you talking when I went to trial? The Judge revoked</p> <p>19 my bond, my bail, and she arrested me in the same</p> <p>20 day in the trial.</p> <p>21 Q. And that was in June of 2017?</p> <p>22 A. That was June 2017.</p> <p>23 MR. GECKLE: That was for the perjury</p> <p>24 and the victim intimidation and all of that</p> <p>25 stuff.</p>	<p>1 said no, no, no, I want you to call me, I want</p> <p>2 you to call me, you don't know how much money I</p> <p>3 put on my phone so you can be able to call me.</p> <p>4 And I told her I will -- I don't --</p> <p>5 if you don't want to meet with me, that's fine</p> <p>6 with me. She said no, no, I love you, I want</p> <p>7 to be with you. I told her that I'm trying to</p> <p>8 send her some money, because when I got</p> <p>9 arrested, I had \$300 with me, or</p> <p>10 200-and-something.</p> <p>11 So I told her I would send you some</p> <p>12 money, but the lieutenant said that you put a</p> <p>13 PFA on me, so I cannot send you nothing.</p> <p>14 She said I didn't put a fucking PFA</p> <p>15 on you, that's a lie.</p> <p>16 So what happened is that she was -- I</p> <p>17 would go, I would hug you, I would do that, I</p> <p>18 would do this.</p> <p>19 Anyway, I find them -- because when I</p> <p>20 was outside in the street, my wife send me a</p> <p>21 letter saying that she wanted to drop the</p> <p>22 charges, and that I never put my hand on her.</p> <p>23 And she sent me this letter from Allentown to</p> <p>24 the address in Bangor, so she can help me in</p> <p>25 dropping the charges.</p>
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<p>1 THE WITNESS: That was in two</p> <p>2 thousand -- sorry, sir?</p> <p>3 MR. GECKLE: That was in 2017, right?</p> <p>4 Isn't that what the Judge had you arrested for,</p> <p>5 the victim intimidation, and the perjury and</p> <p>6 all that?</p> <p>7 THE WITNESS: No. No, sir. What</p> <p>8 happened in 2017, no. They give me the perjury</p> <p>9 and that after I lost the trial for the simple</p> <p>10 assault. They revoked my bond. The Judge</p> <p>11 revoked my bond, and she arrested me in the</p> <p>12 same day.</p> <p>13 Then when I went to jail, I called my</p> <p>14 wife. I told her to tell my friend David to</p> <p>15 take my car from the courthouse. So that was</p> <p>16 from the jail. When I -- after I got arrested.</p> <p>17 And my wife put money on my -- on her phone so</p> <p>18 she can accept my calls.</p> <p>19 And my wife told me, look like I have</p> <p>20 to do something. I will go to DA and tell them</p> <p>21 what the fuck is my husband doing in jail? And</p> <p>22 she told me the DA is racist, I looked over his</p> <p>23 Facebook.</p> <p>24 And she told me -- I told her I'm not</p> <p>25 going to call you, not waste your money. She</p>	<p>1 I took this letter, I gave it to my</p> <p>2 lawyer at this time. The lawyer gave it to the</p> <p>3 DA. The DA took the Judge -- the DA took this</p> <p>4 letter, and he give me intimidation of the</p> <p>5 witness because of this letter. How I</p> <p>6 intimidate my wife, if she sent it to me by</p> <p>7 mail? I don't know.</p> <p>8 They give me these charges while I'm</p> <p>9 in jail, the intimidation and the perjury. The</p> <p>10 perjury is because he asked me, where is your</p> <p>11 wife. I said I don't know. He give me perjury</p> <p>12 for that. He give me two years because I said</p> <p>13 I don't know.</p> <p>14 BY MR. GILLIAM-BROWNLEE:</p> <p>15 Q. First I want to go back to the simple</p> <p>16 assault. Where were you arrested, the physical --</p> <p>17 A. In Bangor.</p> <p>18 Q. You were arrested in Bangor?</p> <p>19 A. I was in Bangor.</p> <p>20 Q. At?</p> <p>21 A. 42 Broadway, Bangor.</p> <p>22 Q. So your wife had called the police on you</p> <p>23 at that location?</p> <p>24 A. I think so. I'm not sure what should she</p> <p>25 do. I was at work, but she went to the police</p>

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<p>1 station, she called them. She contact the police at 2 this address, yeah.</p> <p>3 Q. Is this the probable cause? 4 (Mr. Geckle hands a document to 5 Mr. Gilliam-Brownlee.)</p> <p>6 MR. GECKLE: You are certainly 7 entitled to ask him, but if you are just trying 8 to get to the bottom, that explains everything.</p> <p>9 THE WITNESS: They give me two years 10 for saying I don't know.</p> <p>11 Q. All right. Sorry, I'm trying to make sure 12 I'm back on track. All right. So have you ever 13 threatened or -- a correctional officer or a police 14 officer?</p> <p>15 A. Threaten a police officer? 16 Q. Or a correctional officer? 17 A. No. No. I never threatened anybody. 18 Q. Okay. Do you understand what the criminal 19 charge of perjury is; correct? 20 A. Yes. Perjury is to lie under oath; right? 21 Q. Yes. 22 A. No. Yes, I understand that. 23 Q. Okay. And have you ever been convicted of 24 perjury? 25 A. Right now they convicted me of perjury,</p>	<p>1 your pardon; I'm sorry. 2 Q. Yeah, 2017, and you were taken to 3 Northampton County Prison? 4 A. They revoked my bond on the trial, June of 5 2017, yes. 6 Q. And how long were you at Northampton 7 County Prison before you were transferred to, I 8 believe, Waymart? 9 A. They transfer me to Graterford in the 10 beginning. 11 Q. Graterford, okay. 12 A. Then to Camp Hill, and then to Waymart. 13 I've been here from June -- I've been -- I'm not 14 sure, but approximately I think April 2018. Yeah. 15 April 2018, this is when they took me to upstate. 16 Q. Okay. And so from -- so you were at 17 Graterford from April 2018 until when? 18 A. No. Graterford just -- just a 19 classification. You go to Graterford, you stay for 20 a few month, and then you go to Camp Hill, you stay 21 a few months, and then they take you to the home 22 jail or Waymart is. 23 But I can't recall how many month. It's 24 like I would say two months in Graterford and 25 another three months in Camp Hill, and the rest in</p>
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<p>1 but I didn't -- I didn't commit perjury. I know I 2 didn't commit perjury, but they convicted me. They 3 convicted me of a lot of things I didn't do it. 4 They can convict me -- they can say that my name is 5 Michael, while my name is Ahmed. They can do 6 anything they want.</p> <p>7 MR. GECKLE: Listen to the question 8 and try to answer the question. All right.</p> <p>9 Q. Okay. So you were convicted of perjury, 10 but you say that you did not commit perjury? 11 A. No. 12 Q. And that was the -- that's why you are in 13 prison now is because you were convicted of perjury? 14 A. Of all those charges.</p> <p>15 MR. GECKLE: Amongst other things. 16 THE WITNESS: Sorry? 17 MR. GECKLE: He asked why you are in 18 prison now. And I said the perjury is part of 19 it, but that you were also convicted of a 20 simple assault, and you were convicted of, I 21 think, witness intimidation. 22 THE WITNESS: Intimidation and, yeah. 23 Q. Okay. So you were arrested in June of 24 2017, and you were taken to -- 25 MR. GECKLE: 2016, I think. I beg</p>	<p>1 Waymart. Like two and two, and the rest in Waymart. 2 Q. You came again in April of 2018? 3 A. Yes, approximately. This is not -- yeah, 4 it's not exactly, because I can't remember how many 5 months, but months. 6 Q. So about two months, two or three months 7 in Graterford, then two or three months in Camp 8 Hill, and then you are at Waymart? 9 A. Yes, sir. 10 Q. How long were you at Waymart before you 11 were transferred back to Northampton County Prison? 12 A. I came at this -- are you talking about 13 this time, when I came this time? 14 Q. Yes. 15 A. Because I came in right before. 16 MR. GECKLE: You first came here in 17 June of 2017, after you got convicted of the 18 assault. 19 THE WITNESS: Yes, sir. 20 MR. GECKLE: They sent -- the Judge 21 said you're going to jail, that was in June of 22 2017; right? And you stayed here until April 23 of 2018. 24 THE WITNESS: Yes, sir. 25 MR. GECKLE: Then you got sent</p>

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<p>1 upstate.</p> <p>2 THE WITNESS: Yes, sir.</p> <p>3 MR. GECKLE: In April of 2018.</p> <p>4 THE WITNESS: I came this time --</p> <p>5 MR. GECKLE: Is that right?</p> <p>6 THE WITNESS: Yes, sir.</p> <p>7 MR. GECKLE: Then you came back --</p> <p>8 you've been back here since November of 2018.</p> <p>9 So you've been back here --</p> <p>10 THE WITNESS: No.</p> <p>11 MR. GECKLE: Well, I'm looking at the</p> <p>12 booking form.</p> <p>13 THE WITNESS: No. I came here right</p> <p>14 before. I came here in November, and I left in</p> <p>15 January.</p> <p>16 MR. GECKLE: Isn't that what I said,</p> <p>17 you came back here in November?</p> <p>18 THE WITNESS: I came back in</p> <p>19 November, and I left in January, I think, yes.</p> <p>20 And then I came back here in May, this time. I</p> <p>21 stayed there from January until May. I came</p> <p>22 here back on May -- May maybe 2nd or 1st or</p> <p>23 3rd, something like that, and I'm still here,</p> <p>24 again for my charges.</p> <p>25</p>	<p>1 about the size? You want the size? I don't</p> <p>2 remember. But it's like four beds, each bed two</p> <p>3 bunks, and it's eight people in one cell and one</p> <p>4 toilet. One cell for the eight people, one toilet</p> <p>5 and one sink. That's the cell.</p> <p>6 MR. GECKLE: That's on B Block;</p> <p>7 right?</p> <p>8 THE WITNESS: Yeah, that's in B2,</p> <p>9 sir.</p> <p>10 BY MR. GILLIAM-BROWNLEE:</p> <p>11 Q. Okay. So did you have any cell mates?</p> <p>12 A. I had all seven.</p> <p>13 Q. Do you have their names?</p> <p>14 A. No, I don't know the names.</p> <p>15 Q. You don't remember any of the names?</p> <p>16 A. No, I don't remember any of the names.</p> <p>17 Q. Okay.</p> <p>18 A. I don't remember the names. It's eight</p> <p>19 people. And these eight people is like I would say</p> <p>20 some of them change it every two days. Some people</p> <p>21 go on bails, then other people come. I can't</p> <p>22 remember the names.</p> <p>23 Q. Okay. And so eventually you were</p> <p>24 transferred off of B Block; correct?</p> <p>25 A. Yeah. I was in B Block, you mean? Right?</p>
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<p>1 BY MR. GILLIAM-BROWNLEE:</p> <p>2 Q. Okay. So now we are going to get into</p> <p>3 kind of the incidents in your complaint and get more</p> <p>4 details about that. So when you were arrested</p> <p>5 originally and taken to Northampton County Prison,</p> <p>6 where were you housed?</p> <p>7 A. I'm sorry?</p> <p>8 Q. Where were you housed? When you were</p> <p>9 arrested in June of 2017 --</p> <p>10 MR. GECKLE: That's when he was</p> <p>11 convicted. He went to trial, he got convicted,</p> <p>12 and the Judge said you're going to jail.</p> <p>13 THE WITNESS: Oh, they took me to the</p> <p>14 intake. And from the intake they stayed like</p> <p>15 two-three days, and then they put me in B2, B2.</p> <p>16 I was in B2 Block.</p> <p>17 Q. How long were you on B2 Block?</p> <p>18 A. I'm not sure. I'm not sure. A month or</p> <p>19 two. Two month, something, I'm not sure. I'm not</p> <p>20 sure. I don't -- I can't say, even approximately.</p> <p>21 Like two months probably. I'm not sure.</p> <p>22 Q. Can you describe the cell for me that you</p> <p>23 were being housed in?</p> <p>24 A. Yes. It's a cell, eight person in one</p> <p>25 cell, that's eight -- four beds, each bed -- you ask</p>	<p>1 Q. As an individual, you were transferred off</p> <p>2 of B Block?</p> <p>3 A. Off, what's off it mean?</p> <p>4 MR. GECKLE: They took you somewhere</p> <p>5 else.</p> <p>6 A. They take me from B Block to somewhere</p> <p>7 else? That's what -- Yeah. Yeah.</p> <p>8 Q. Where did they take you?</p> <p>9 A. They took me to the Gallery. Yeah, they</p> <p>10 took me to the Gallery. Yes.</p> <p>11 Q. Okay.</p> <p>12 A. And then from the Gallery, they took me to</p> <p>13 K Block. And then from K Block, they took me to the</p> <p>14 E Block.</p> <p>15 Q. Okay. Let's stay with the Gallery first.</p> <p>16 So where -- does the Gallery have a block</p> <p>17 designation?</p> <p>18 A. What's designation mean?</p> <p>19 Q. Like B Block, C Block, D Block, does it</p> <p>20 have a --</p> <p>21 A. As they say G, or Gallery, G Block or</p> <p>22 Gallery. It's the same. It's called the Gallery.</p> <p>23 They call it the Gallery or G Block.</p> <p>24 Q. And can you describe the cell that you</p> <p>25 were being housed in when you were there?</p>

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<p>1 A. Four people, no air condition, very hot 2 weather in the summer, and one sink, and one toilet 3 for the four people. And that's it. Locked all 4 day, out for 20 minutes to shower at the time I was 5 there, or a phone call.</p> <p>6 Q. So did you have -- you didn't have any -- 7 how much time did you have out of the cell?</p> <p>8 A. Twenty minutes, either shower or phone 9 call, that's it. There was no tablet. At this time 10 I was there, the time I'm complaining about, I never 11 seen the tablet. There is no tablet at this time.</p> <p>12 MR. GECKLE: You never seen the what? 13 THE WITNESS: Tablet, you know, 14 something they make it like a tablet, like the 15 iPad, they make it. You can have it in your 16 cell. But at this time there was no tablet.</p> <p>17 Q. How much time did you have out of your 18 cell when you were being housed on B Block?</p> <p>19 A. In B Block when I got arrested this month 20 or something like that? You go out in the morning. 21 You only be in your cell for like -- they only lock 22 you for like four hours or three hours a day. The 23 rest of the day you are out, like -- I would say 24 four hours a day maximum, approximately. 25 But the rest of the time, you are out.</p>	<p>1 Q. Well, let's take them one at a time. So 2 that's pretty much G Block or the Gallery. So after 3 the Gallery, you were transferred to K Block?</p> <p>4 A. Yeah, but I don't recall how much time I 5 was in the Gallery. I can't recall it.</p> <p>6 Q. I think you -- 7 A. A short time, but I don't recall how long.</p> <p>8 Q. Less than a month is a fine answer. We 9 can --</p> <p>10 A. I'm not sure from that too. Maybe maximum 11 a month. I'm not sure. Okay.</p> <p>12 Q. Got it. So now K Block? 13 A. Yes, sir.</p> <p>14 Q. After -- after the Gallery, you were 15 transferred to K Block. Can you describe the cell 16 that you were being housed in?</p> <p>17 A. It was two people in a cell. Actually 18 they move me -- yeah, from Gallery to K Block, yeah 19 I -- I moved to there, and it was two people in a 20 cell, me, an old man. And I remember this guy name. 21 His name was Brian Dewitt. He was an old man. He 22 was an old man and I don't never have any problem 23 with him. I didn't have no problems with him. 24 He was on heroin all the time outside, so 25 he was sleeping most of the time. And he was old.</p>
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<p>1 You can go take a shower. You can -- like two -- 2 you locked from I would say exactly you locked from 3 one time in the morning, I say 12:00 o'clock maybe 4 to 2:30, and then you locked again from 5:00 o'clock 5 to maybe 6:30 or 7:00 o'clock, something like that.</p> <p>6 Q. Okay.</p> <p>7 A. And then from 9:30 or 9 o'clock, you are 8 locked in the morning to 6 o'clock.</p> <p>9 Q. Do you remember any of your cellmates 10 names when you were being housed on G Block?</p> <p>11 A. In Gallery? It was a short time in the 12 Gallery. It wasn't that long. It was like a week 13 or two weeks. I don't remember how many; I can't 14 recall. But it was a short time. And I don't 15 recall names too. I don't recall names.</p> <p>16 Q. Okay. So you would say less than a month? 17 A. It was a long time. I can't recall names.</p> <p>18 Q. Are you saying you were there for less 19 that a month?</p> <p>20 A. I think so, yeah, less than a month. I'm 21 not sure. It was a short time. All together, I 22 been arrested in April, and I went to the E Block 23 in -- I think in October, or in September, I'm not 24 sure. So all together, from B Block to the Gallery 25 to K Block, if you count it --</p>	<p>1 And I never -- I never get in an argument with him. 2 I be with him in the cell in K Block, and that's it.</p> <p>3 Q. Okay. So -- 4 A. And other people, because he was the 5 longest one with me, I mean. But there was people 6 before him, but I never had problems with anybody. 7 There was a young guy who was there too. He said 8 they call him Sonny, but I don't know what's his 9 name, his real name. He left too. He stayed a week 10 with me.</p> <p>11 There is another guy too, stay with me. I 12 never have any problem with anybody. They say they 13 call him Sonny, but that's not his real name, 14 because he was blond, his hair is blond, and his is 15 white, and his eyes very blue, so they call him 16 Sonny. But what is his name, I don't know.</p> <p>17 Q. Okay. And that was all on K Block; 18 correct?</p> <p>19 A. That was all on K Block, yeah.</p> <p>20 Q. And did you have -- so the cell had a 21 sink -- correct -- and a toilet; is that correct?</p> <p>22 A. Yeah, sink and toilet.</p> <p>23 Q. Okay. So after K Block, were you 24 transferred anywhere to any other block at the 25 prison?</p>

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<p>1 A. E Block.</p> <p>2 Q. And when were you transferred to E Block?</p> <p>3 A. When?</p> <p>4 Q. Yes, about how long after K Block?</p> <p>5 A. September or October, I'm not sure. About</p> <p>6 September or October. Around this time, September</p> <p>7 or October, 2017.</p> <p>8 Q. And can you describe B Block?</p> <p>9 A. I'm saying approximately, because, you</p> <p>10 know, I'm not like -- I don't have it on computer</p> <p>11 like --</p> <p>12 Q. We understand that. It's -- and, again,</p> <p>13 it's totally fine to approximate.</p> <p>14 A. You can charge me for perjury for that</p> <p>15 because they charged me for saying I don't know.</p> <p>16 They give me two years, you know. I'm scared now,</p> <p>17 you know.</p> <p>18 Q. So E Block, how long were you there? How</p> <p>19 long --</p> <p>20 A. Since this date, until I left in April,</p> <p>21 2018.</p> <p>22 Q. So you spent the rest of your time on E</p> <p>23 Block?</p> <p>24 A. Yeah, the whole time, from this time to --</p> <p>25 Q. Can you describe E Block for me.</p>	<p>1 change it a lot. But when I was there at this time</p> <p>2 in E Block, the air condition was even more colder</p> <p>3 than here, and in the snow time.</p> <p>4 And I wake up in the morning, I try to</p> <p>5 make the wudu, it's freezing. I called the CO, man,</p> <p>6 I need hot water. All the other cells, I talked to</p> <p>7 them, like, like, please, CO, I need hot water. I</p> <p>8 can't put my hand even under the sink.</p> <p>9 Okay. He leave me. He didn't even</p> <p>10 answer. He neglect me and go.</p> <p>11 I see the maintenance guy, I told him,</p> <p>12 please, I need -- he look at me like I'm crazy or</p> <p>13 something. I keep trying to talk to them, nobody</p> <p>14 want to talk to me, neglecting me, sending requests</p> <p>15 to Mr. Harman, why I'm in E Block, I didn't do</p> <p>16 anything wrong. I never have a fight with anybody.</p> <p>17 I never have a disciplinary.</p> <p>18 We're going to look. He send me back the</p> <p>19 first request. He said reclassified in 45 days.</p> <p>20 After the 45 days, I keep sending him,</p> <p>21 okay, the 45 days. I'm sorry, you want to say</p> <p>22 something?</p> <p>23 Q. Yeah. And we'll get further down the line</p> <p>24 with all of that stuff, but let's focus on the cell</p> <p>25 conditions. So you had -- so you were in that cell,</p>
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<p>1 A. E Block, that's where I am right now.</p> <p>2 It's -- it's sealed block. Like the doors are very</p> <p>3 thick. The doors are very thick. It's not like</p> <p>4 even the Gallery or the K Block or anything. The</p> <p>5 doors are very thick and glass, small window, glass</p> <p>6 window on the door. Very thick glass.</p> <p>7 So when they close the door, even you</p> <p>8 loud, your voice, and you scream, somebody will hear</p> <p>9 you like that (indicating a whisper). It's like</p> <p>10 that in your cell.</p> <p>11 I was by myself most of the time. Some</p> <p>12 people, even the disciplinaries, they put them two</p> <p>13 guys in the cell so they can talk. I was by myself</p> <p>14 most of the time. Like if I stayed there for seven</p> <p>15 months, I would say five months of them are -- I'm</p> <p>16 not sure, or four, I'm not sure, but most of the</p> <p>17 time I was by myself.</p> <p>18 No -- in my cell, I don't know about the</p> <p>19 other cells, but I'm sure it was different. I even</p> <p>20 complain about the maintenance. I said there is no</p> <p>21 hot water. And it was very cold. I wake up in the</p> <p>22 morning, I want to pray the Fajr at four o'clock or</p> <p>23 five o'clock in the morning, the water is freezing</p> <p>24 in the snow time.</p> <p>25 And at this time when I was -- now they</p>	<p>1 you were mostly alone?</p> <p>2 A. The cell is sealed, like I told you. It's</p> <p>3 very freezing.</p> <p>4 MR. GECKLE: Listen to his question,</p> <p>5 and answer his question, please.</p> <p>6 THE WITNESS: Okay. I'm sorry.</p> <p>7 Q. So you were mostly alone during your time</p> <p>8 in E Block?</p> <p>9 A. Yes. Mostly, yeah.</p> <p>10 Q. Did you have any cellmates?</p> <p>11 A. Yeah, I have some cellmates. They came</p> <p>12 and they left. Like one of them name is -- I don't</p> <p>13 remember the -- the whole names, but I can give you</p> <p>14 some of the names. But one -- like -- a guy who got</p> <p>15 a murder charge. He killed his stepson. His name</p> <p>16 is Long.</p> <p>17 Q. Just Long, as like his last name?</p> <p>18 A. That's all that I can -- that's what I'm</p> <p>19 saying. I can't give you the full name, but I can</p> <p>20 give you part of it. Part of his name is Long. But</p> <p>21 what is the other part, I don't remember.</p> <p>22 Q. Okay. Any other cellmates?</p> <p>23 A. Frank Hanuszak, Frank Hanuszak, he was for</p> <p>24 rape charge, something like that. And I have a</p> <p>25 simple assault, and they segregate me with these</p>

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<p>1 people. I don't know why. So he has a rape charge. 2 And the other one have a murder charge. 3 And one guy called Collin Rice, Collin 4 Rice, maybe like a day or two, that's it, he stay 5 with me. Because his dad called, and they move him 6 right away because his dad know Mr. Harman, and he 7 know people. 8 They moved him, they moved him like within 9 a day or two maximum, because his dad knows 10 Mr. Harman, in the jail. He called him, and 11 Mr. Harman came to him like personally. And he told 12 him, your dad called me, where do you want to be. 13 He said I want to be in the Gallery, 14 because I have friends over there. He moved him to 15 the Gallery in the same day. 16 I been there months trying to move. 17 Q. Okay. 18 A. Collin Rice. Frank Hanuszak, and what's 19 else, Long. And another guy, old man, he was also 20 doing fentanyl in the street. He was like -- he was 21 messed up, messed up completely. His name is Luis 22 Cuevas, Luis Cuevas. He's Puerto Rican. 23 Q. Okay. So when you -- 24 A. This is the people I recall them, yeah. 25 Q. Okay. So when you were on B Block, and</p>	<p>1 don't know what you are talking about. Issues, like 2 what kind of issues? 3 Like some people say stuff, and you can 4 say, for example, to the CO, this guy is telling me 5 that. But it's not like issue that can make you 6 move. It's just like, please, take him away from me 7 or something like that. This is happen all the 8 time. 9 But not fighting. I never fight with 10 anybody. I never have any problems, anybody to 11 fight. Like say, for example, somebody tell me I 12 don't like you, or you understand what I mean? 13 Or I will -- I will -- man -- no, it's 14 criminal people. You are living with criminal 15 people. They can say a lot of things. And you can 16 say to the CO, please, I want him to be away from 17 me, he is telling me that. That doesn't mean that 18 you have a issue with somebody. You understand what 19 I mean? 20 I don't have no issues, but maybe, yeah, 21 maybe it's all the time. We are staying there and 22 people talking. 23 Q. Okay. 24 A. But I never fight. I never have any 25 problems with anybody. Maybe if I -- if I don't</p>
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<p>1 you were moved, do you know why you were moved from 2 B Block to the Gallery? I'm sorry. 3 A. I don't know. 4 Q. You don't know? 5 A. They never give me any explanation for 6 anything, even when I was in E Block. 7 MR. GECKLE: Listen to his question. 8 Answer his question. 9 Q. Okay. So you don't know why you were 10 moved from B Block to the Gallery? And you don't 11 know why you -- 12 A. Like they give me an answer for that? You 13 want to tell me like they give you why you move? 14 No, nobody give me an answer. 15 Q. Okay. Even if you don't -- even if they 16 didn't give you an answer, if you know if you had 17 any issues with anyone, did you have any issues with 18 anyone on B2, when you were in B2? 19 A. Are you talking about fighting or 20 problems? No. No, no fighting. Maybe you talking 21 about like if some -- everybody there, we are eight 22 people in the cell, there's a lot of inmates in the 23 block, we talking all the day when some things 24 happen. 25 But if you are talking about like -- I</p>	<p>1 like something, I say to the CO, that's all. I 2 don't know, maybe they waiting for me to say 3 anything, just to -- to hurt me or to give me hard 4 time. I don't know. 5 Q. Okay. I'm going to -- I'm going to mark 6 this as -- like as Gad 1. 7 A. What is this? 8 MR. GECKLE: He's going to show it to 9 you. 10 MR. GILLIAM-BROWNLEE: That's the 11 right one. I'm sorry for not being completely 12 organized. 13 (Exhibit Gad 1, Incident Report dated 14 June 29, 2017, was marked for identification.) 15 BY MR. GILLIAM-BROWNLEE: 16 Q. What I'm putting in front of you has been 17 marked as Gad 1. 18 MR. GECKLE: Incident Report dated 19 June 29th, 2017. All right? 20 THE WITNESS: Yeah. This is -- 21 MR. GECKLE: Hold on. He didn't ask 22 you a question yet. 23 THE WITNESS: Okay. 24 BY MR. GILLIAM-BROWNLEE: 25 Q. So this is an Incident Report dated</p>

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<p>1 June 29th, 2017, regarding a fight between you and a 2 fellow inmate? 3 A. Uh-huh. Okay. 4 Q. Do you have any knowledge of this 5 incident? 6 A. Yes. 7 Q. Okay. 8 A. A -- 9 MR. GECKLE: He hasn't asked you a 10 question yet. 11 THE WITNESS: Yes. 12 Q. Can you describe to me what happened in 13 this incident? 14 A. Yeah, I can describe for you. This 15 inmate -- I remember that now. He has -- he told 16 me -- and I said that to the lieutenant, 17 lieutenant -- let me tell you the lieutenant name. 18 And that's why he got in the hole. I didn't go to 19 the hole, because I didn't fight him. He fight me. 20 What happened is that this inmate, he told 21 me, Muslims are like black people in the past, they 22 are like slaves here. That's what he said. He told 23 me Muslims are like black people in the past; they 24 are like slaves here in the United States now. 25 That's what he said.</p>	<p>1 else? 2 A. I told you, I have no issues. 3 Q. Did you have any other issues with anyone 4 else while you were on B Block? 5 A. No. 6 Q. Okay. So how long after this incident 7 were you moved to -- 8 A. I stayed in B Block after this incident I 9 would say like maybe a month -- I can't remember 10 time. And it's talking about two years. I can't -- 11 I'm not sure. But I stayed for a time over there. 12 How long I can't remember. And they keep 13 complaining, he's doing -- 14 MR. GECKLE: He asked you how long 15 you were there. 16 THE WITNESS: So I'm not sure. 17 MR. GECKLE: If you don't remember, 18 then that's the answer. 19 THE WITNESS: I don't remember. 20 BY MR. GILLIAM-BROWNEE: 21 Q. Okay. So after you were moved to B Block, 22 then you were moved to the Gallery. Did you have 23 any issues with anyone at the Gallery, on the 24 Gallery? 25 A. No, except complaining about me praying</p>
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<p>1 So I told him, man, stop it. So I find 2 him telling me, fuck you, pushing me and fighting 3 me. CO Holmes came and he saw that. They took us 4 out of the cell in handcuffs. They asked me what 5 happened. I told the lieutenant. His name is 6 Lieutenant Lamont. I think Lamont. 7 He said -- I told him he told me that. 8 And I told him to stop it. So he put his hand on 9 me, and he hit me. So the guy said, yes, I hit him, 10 like that. I punch him in the face. 11 So Lieutenant Lamont said so he didn't do 12 nothing, Gad didn't do nothing, he didn't do 13 anything. Take Gad back to his cell and take this 14 guy to the hole. That's what happened. I didn't 15 have nothing. I didn't do nothing. 16 MR. GECKLE: Who got taken to the 17 hole? 18 THE WITNESS: The guy who fight me, 19 and he told me that. He took him to the hole. 20 MR. GECKLE: I just asked you, it 21 wasn't you that went to the hole; it was the 22 other guy? 23 THE WITNESS: Exactly, sir. Yes, 24 sir. 25 Q. Did you have any other issues with anyone</p>	<p>1 too, and complaining about me doing wudu, and that 2 my cellies don't like that. And he's waking up us 3 in the morning, he's praying in the morning, he's 4 doing that. That's the only things. 5 But I never have no problems with nobody. 6 We were good together, but they don't like the way 7 that I'm praying. They didn't like that I'm 8 praying. They didn't like that I'm doing wudu in 9 the sink, washing my hands, my feets, my face. I 10 can't -- the Gallery is officially -- the doors are 11 closed the whole day. What can I do? 12 Q. When you say they, you mean -- 13 A. My cellies. 14 Q. Your cellmates? 15 A. My cellmates. And they complain to the 16 COs. The COs, they don't say no. They don't say, 17 he has to do his wudu. They don't advise them that 18 this guy is supposed to pray. 19 They talk to me that I'm not supposed to 20 do that. The CO is telling me you can't do -- you 21 wait until you go to the shower. 22 How I going to do my wudu in the shower if 23 the door is locked? How I going to go to the shower 24 and pray? I have to pray. 25 So you can't do it. And the cellies, when</p>

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<p>1 they say that in front of them, they think that they</p> <p>2 are right, that I don't have the right to pray.</p> <p>3 They talk to the CO. CO, he wash his feet</p> <p>4 in the sink. He wash his face in the sink. He</p> <p>5 is -- man, I can't move in the cell is too small, he</p> <p>6 is standing and praying, I can't move, man.</p> <p>7 He can move, but they are just trying to</p> <p>8 find anything. Because I take a small corner just</p> <p>9 to pray. I was sometimes praying on my bed.</p> <p>10 But, anyway, the CO come to me. Gad, you</p> <p>11 can't do that. Can't do what, sir? You do wudu in</p> <p>12 the shower. Man, but the cell is locked, how I</p> <p>13 doing wudu in the shower?</p> <p>14 Q. So it sounds to me that you were saying</p> <p>15 that you had issues on the Gallery because people</p> <p>16 didn't like the fact that you were praying there?</p> <p>17 A. Exactly.</p> <p>18 Q. Other inmates didn't like the fact that</p> <p>19 you were praying?</p> <p>20 A. Exactly. Some people, they told me, you</p> <p>21 have to stop this shit, man. You should stop this</p> <p>22 shit now.</p> <p>23 Q. And then you were -- due to that you were</p> <p>24 moved off of the Gallery to --</p> <p>25 A. The Gallery to -- I talked to the CO. I</p>	<p>1 A. Sorry?</p> <p>2 Q. You had issues with other inmates on K</p> <p>3 Block?</p> <p>4 A. I don't understand what you mean by</p> <p>5 issues. Like fighting with me or something like</p> <p>6 that?</p> <p>7 MR. GECKLE: Arguing, fighting.</p> <p>8 Q. Arguing, fighting, any --</p> <p>9 A. No, they go and talk to the COs. They</p> <p>10 don't talk to me. They talk to themselves. Like</p> <p>11 sometimes when I'm walking, they talk like they --</p> <p>12 they is throwing words on me, like you have to stop</p> <p>13 this shit, man, like some kind like that.</p> <p>14 But they don't talk to me, like you can't</p> <p>15 pray. You go and talk to the CO. And they find the</p> <p>16 CO coming and complain to me, you have to do it in</p> <p>17 the shower. So I know that somebody talk. But who</p> <p>18 is this? I don't know.</p> <p>19 Like I want to find the CO coming and talk</p> <p>20 to me, I can't say specific person. I know that</p> <p>21 some people complaining. When I find when I'm</p> <p>22 walking somebody is throwing word, you got stop this</p> <p>23 shit, man. When I'm praying, I'm praying.</p> <p>24 (A brief recess was taken at 2:11 p.m.)</p> <p>25 (The deposition resumed at 2:13 p.m.)</p>
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<p>1 told him that, yeah. To K Block.</p> <p>2 Q. -- K Block?</p> <p>3 A. Yes, sir.</p> <p>4 Q. And did you have any issues with anyone on</p> <p>5 K Block?</p> <p>6 A. I don't have no -- like I told you, as me,</p> <p>7 maybe people don't like what I'm doing when I do the</p> <p>8 wudu. Even I used to do sometimes the wudu and --</p> <p>9 in the bathroom, in the -- there's a big bathroom in</p> <p>10 K Block, a big bathroom. It's like a shower and a</p> <p>11 sink. When I used to do my wudu, they didn't like</p> <p>12 the fact that I'm doing the wudu when they see me</p> <p>13 over there doing the wudu in the sink, even in the</p> <p>14 shower.</p> <p>15 They say you have to do it under the</p> <p>16 shower, like you are taking a shower. So they kept</p> <p>17 complaining about that. They didn't like the fact</p> <p>18 that -- I don't know why, but people didn't like</p> <p>19 that I'm praying, or this make them problems.</p> <p>20 And also the COs was -- was on their side,</p> <p>21 like you have to do it in the shower.</p> <p>22 Q. Okay. Did you have any issues with -- so</p> <p>23 you had issues with your other --</p> <p>24 A. Just because of my praying.</p> <p>25 Q. -- inmates on K Block; correct?</p>	<p>1 MR. GILLIAM-BROWNLEE: We will mark</p> <p>2 this as Gad 2.</p> <p>3 MR. GECKLE: This is an in Incident</p> <p>4 Report from October of 2017.</p> <p>5 (Discussion held off the record.)</p> <p>6 (Exhibit Gad 2, Incident Report dated</p> <p>7 October 17, 2017, was marked for</p> <p>8 identification.)</p> <p>9 MR. GECKLE: Mr. Gad, we are looking</p> <p>10 at the Exhibit that was marked Gad 2. It</p> <p>11 involves an incident that occurred on</p> <p>12 October 17, 2017, on K-Tier. It was reported</p> <p>13 by CO VanArsdale.</p> <p>14 And it's a description of the</p> <p>15 incident is as follows: I was asked by the</p> <p>16 runner for 27 request slips. I inquired as to</p> <p>17 why and was informed everyone on the tier</p> <p>18 wanted inmate Gad removed from K-Tier. Gad is</p> <p>19 being accused of causing multiple disturbances</p> <p>20 with the other residents. It was also said</p> <p>21 having Gad on the tier could potentially cause</p> <p>22 a physical altercation in the near future for</p> <p>23 the tier's patience with Gad was getting thin.</p> <p>24 I informed the shift supervisors, and</p> <p>25 Lieutenants Ackerman and Werley told me to move</p>

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<p>1 him to E-Tier as an administrative segregation</p> <p>2 inmate.</p> <p>3 THE WITNESS: Okay. So what does</p> <p>4 this have to do with me?</p> <p>5 MR. GECKLE: He's going to ask you a</p> <p>6 question now.</p> <p>7 BY MR. GILLIAM-BROWNLEE:</p> <p>8 Q. Okay. So based on that account, you were</p> <p>9 having issues with the other inmates on K-Tier.</p> <p>10 MR. GECKLE: That's not a question</p> <p>11 yet.</p> <p>12 THE WITNESS: Okay. What are you</p> <p>13 saying?</p> <p>14 MR. GECKLE: Shh, let him ask a</p> <p>15 question.</p> <p>16 Q. Do you have any recollection of that?</p> <p>17 A. No.</p> <p>18 Q. You have no recollection of having any</p> <p>19 issues with people on K-Tier?</p> <p>20 A. They -- like I told you. Can I answer?</p> <p>21 No.</p> <p>22 MR. GECKLE: You did answer. You</p> <p>23 said no. I mean this does not refresh your</p> <p>24 recollection of there being incidents with</p> <p>25 other inmates on K-Tier?</p>	<p>1 CO, it's not my problem if my fart is stink, like</p> <p>2 that.</p> <p>3 So the CO told him, you can't do that</p> <p>4 while he's praying. He don't like the fact I'm</p> <p>5 praying.</p> <p>6 Q. So you did have issues with people?</p> <p>7 A. I didn't have any issues. I just -- like</p> <p>8 I told you, I talked to the COs, I tell them what is</p> <p>9 going on. I talk to the CO, I tell them I'm praying</p> <p>10 and this guy is farting in my face while I'm</p> <p>11 praying.</p> <p>12 Q. Okay. What did the CO do?</p> <p>13 A. He asked him, why do you do that. Like I</p> <p>14 told you, I just answered you. He said, it's not my</p> <p>15 problem that my fart is stink. Like, I farted,</p> <p>16 yeah, what's my problem.</p> <p>17 The CO told him, you can't do that. And</p> <p>18 then he moved him from my cell to another cell.</p> <p>19 Q. So the CO moved him out of your cell,</p> <p>20 so -- to allow you to be able to practice your</p> <p>21 religion freely?</p> <p>22 A. I would say yes, he move him. He moved</p> <p>23 him.</p> <p>24 Q. Okay.</p> <p>25 A. He -- in the beginning he didn't want to</p>
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<p>1 THE WITNESS: No. No.</p> <p>2 MR. GECKLE: Okay.</p> <p>3 Q. So that also in the case that you were</p> <p>4 moved from K-Tier to E-Tier. Do you recall being</p> <p>5 moved from K-Tier to E-Tier?</p> <p>6 A. Yes, sir.</p> <p>7 Q. That is dated -- I'm sorry.</p> <p>8 MR. GECKLE: October 17th.</p> <p>9 Q. October 17th. Do you recall that that was</p> <p>10 around the time that you were moved from K-Tier to</p> <p>11 E-Tier?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Now, on E-Tier, did you have any</p> <p>14 issues with any other inmates?</p> <p>15 A. I think Long -- Inmate Long, the one</p> <p>16 who -- the murder one, the one who have the murder</p> <p>17 charge, he used to fart in my face while I'm</p> <p>18 praying. And this is happened. And he said that to</p> <p>19 the CO, and the CO told him you can't do that. And</p> <p>20 they move him from my cell.</p> <p>21 While I'm praying, he used to stand up and</p> <p>22 fart in my face while I'm praying, Inmate Long. And</p> <p>23 he complained. I think it's been written, and you</p> <p>24 have a paper saying that. And he told -- the CO</p> <p>25 said why I moved him, because he said he told the</p>	<p>1 move him. But I told him I can't be praying, and he</p> <p>2 knew that.</p> <p>3 Q. Okay.</p> <p>4 A. So he -- he keep saying, I do whatever I</p> <p>5 want, so the CO moved him. But in the beginning he</p> <p>6 was not trying to move him.</p> <p>7 Q. All right. Okay. So based on all of</p> <p>8 this, it seems that you were having issues with --</p> <p>9 on pretty much every tier because of the way you</p> <p>10 wanted to practice your religion, and you were moved</p> <p>11 so you would be allowed to practice your religion?</p> <p>12 MR. GECKLE: I object to the form.</p> <p>13 You can answer, though.</p> <p>14 A. I -- I have a problem, people -- I don't</p> <p>15 have no problems with anybody, but people having</p> <p>16 problems with me, even the COs or the inmates for me</p> <p>17 practicing my religion, yes.</p> <p>18 Q. Okay. And you were moved and housed</p> <p>19 alone --</p> <p>20 A. I didn't ask to move.</p> <p>21 MR. GECKLE: Let him finish the</p> <p>22 question.</p> <p>23 Q. Regardless of whether you asked to move or</p> <p>24 not, you were moved and housed alone where you were</p> <p>25 able to practice your religion however you like?</p>

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<p>1 A. I moved and housed alone so I can be able 2 to practice my religion wherever I like? So I have 3 to be segregated in order to practice my religion? 4 That's what you mean?</p> <p>5 Q. My question is -- 6 A. They keep moving me. 7 Q. Were you moved and -- 8 A. Because --</p> <p>9 MR. GECKLE: Let him finish the 10 question so I can hear it too.</p> <p>11 Q. Were you moved and housed alone where you 12 would be able to practice your religion how you 13 would like to?</p> <p>14 MR. GECKLE: I object to the form.</p> <p>15 A. No. That's my answer, no. Because even 16 when they move me and they segregate me, I didn't 17 have hot water. Even when they moved me and 18 segregate me, I didn't have a clock to look on to 19 see what time is it so I can pray. Even when they 20 moved me and they -- there's a lot of things, man. 21 There's lot of things more than that.</p> <p>22 I can't see the clock, I can't see the 23 light, I can't see it's day or night, what time I 24 can pray. I can't see -- I can't use hot water to 25 pray. That's not the reason?</p>	<p>1 The switch is broken. 2 And my switch is not broken. All the 3 switches are not broken. Why is mine the only one 4 is broken in the whole block? I swear to God. I 5 swear to God.</p> <p>6 Putting papers on my door, calling me gay. 7 I fight, I hit my wife because I don't like girls, I 8 like men, I'm a gay, putting me papers calling me 9 terrorist, laughing. Man, you don't know what 10 happened to me, man.</p> <p>11 Q. Calm down. We are trying to stay focused 12 here.</p> <p>13 A. Okay. 14 Q. Okay? All right. So what exactly was 15 preventing you from practicing your religion? 16 A. Where? 17 Q. At any of these -- in Northampton County 18 Prison at all? 19 A. Everything. 20 Q. Specifically? 21 MR. GECKLE: Let's go down one by 22 one. You've already mentioned some things, 23 where they -- you weren't permitted to use the 24 sink. Right? To wash. 25 A. For example, one of them. The time. I</p>
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<p>1 Q. But you were able to pray, though? 2 A. How I going to be able to pray if I don't 3 know the time? I need to know the time to be able 4 to pray.</p> <p>5 There are certain time. It's called 6 prayer time. It's on the tablets right now. They 7 made it's the tablet. At this time there was no 8 tablet. There was no even prayer time. They made 9 it right now. It's on the tablet. You have to know 10 because the time changes every day.</p> <p>11 Q. Did you have access to -- 12 A. No.</p> <p>13 MR. GECKLE: Let him finish his 14 question.</p> <p>15 Q. Did you have access to a CO who you 16 were --</p> <p>17 A. They neglected me. They was neglecting me 18 all the time. They were neglecting me. All of 19 them, they were neglecting me.</p> <p>20 MR. GECKLE: You said that.</p> <p>21 Q. How were they neglecting you? 22 A. CO, (knocking sound), CO, (knocking 23 sound). Knocking on the door, banging on the door, 24 CO. Even if they would answer me, my light, can you 25 please turn on my light.</p>	<p>1 can't know the time. When they put me in E Block, 2 for example -- you are talking about E Block right 3 now, right? Or are you talking in general? 4 Q. Specifically. So you say that you weren't 5 able to use the sink when you were on K-Tier; 6 correct? 7 A. Yes, the inmate -- 8 Q. And then you were transferred off of 9 K-Tier to be housed in a different cell? 10 A. You are confused. I'm sorry. When they 11 put the paper on the sink saying you only use the 12 sink for your hand or something like that, you wash 13 your hand only in the sink, somebody put paper on 14 the sink saying that, that was on B Block, B2.</p> <p>15 Q. That was on B. 16 A. That was on B2. 17 Q. And then you were transferred off of B? 18 A. Then to Gallery, then to K, then to E. 19 Q. Were you able to use the sink as you -- 20 A. They was complaining like --</p> <p>21 MR. GECKLE: Let him finish his 22 question. 23 Q. Were you able to use the sink on -- in the 24 Gallery for whatever washing you needed to do for 25 your religion?</p>

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<p>1 A. I was using it, but they were complaining 2 about me. And the COs used to come to me and 3 prevent me, tell me no, you can't do that, you have 4 to use the shower. That's what they used to tell 5 me. 6 Q. Okay. But then you were transferred to 7 another block. You were transferred to K Block. 8 Were you able to use the sink for your washing needs 9 then? 10 A. They were saying the same thing, Gad, you 11 have to use the shower. They was preventing me. 12 Q. Then you were transferred to E Block. 13 Were you able to use the sink for the shower 14 there -- were you able to use the sink to wash 15 there? 16 A. I was by myself. I was by myself in the 17 cell. So I was using the sink, but it was cold 18 water. They was not having hot water in the 19 beginning. I was by myself for months. 20 Q. You were able to use the sink? 21 A. I was freeing, but I have to pray. I was 22 doing it. I was doing it, yes. 23 Q. So you were able to use the sink? 24 A. I was freezing. I was freezing, I swear 25 to God. My fingers was freeze.</p>	<p>1 against him? Did you see any discrimination against 2 him? 3 A. He was white. He was white guy. That's 4 why I don't think they have no problems with him, 5 because he was white. I don't know. 6 Q. So you didn't see any discrimination 7 against him? 8 A. He wasn't in my cell. I never -- 9 MR. GECKLE: The question was: Did 10 you ever see anybody discriminate against that 11 other Muslim fellow, regardless of -- 12 THE WITNESS: He was not living with 13 me, so I don't know. My answer is I don't 14 know. He was not living with me in the same 15 cell. I don't know what's going on with him. 16 MR. GECKLE: Then the answer is I 17 don't know. 18 THE WITNESS: Yeah. 19 BY MR. GILLIAM-BROWNLEE: 20 Q. Okay. So you named specific correctional 21 officers in your complaint that you claim were 22 involved in the denial of your right to practice 23 your religion freely. So I'm going to go through 24 each and every one, and I want you to inform me 25 exactly how they denied you your right to practice</p>
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<p>1 MR. GECKLE: You've told us that. 2 THE WITNESS: I don't know if you 3 call that able or not. You can call -- if 4 somebody put his hand on the sink and got 5 freeze, is this is in your opinion is able to? 6 Okay. 7 Q. Were there -- do you know if there were 8 any other followers of the Islamic faith on any of 9 these cell blocks? 10 A. Do I know if there is right now or when? 11 You have to tell me specific question. 12 Q. During the time that you were at 13 Northampton County Prison from June 2017 to 14 April 2018, were there any other Muslims on your 15 cell block? 16 A. In my cell, no. 17 MR. GECKLE: Your cell block. 18 A. In my block? I think there was one guy 19 called Yaiya (phonetic), but he wasn't in the 20 whole -- he stayed for a short time, and then they 21 move him to another -- he went to the Workers' Tier. 22 I think went to the Workers' Tier. 23 I think I know Yaiya. Yeah, he was a 24 Muslim. I think he was a Muslim, yeah. 25 Q. Did you see -- did anyone discriminate</p>	<p>1 your religion freely. 2 So let's start with Correctional Officer 3 Harman. How was he involved in the denial of your 4 right to practice your religion freely? 5 A. First of all, he never listened to me. He 6 neglected me. He segregate me in a cell which I 7 cannot see the time or I cannot know what time of 8 the day is it. And even when I ask to move me to 9 another cell, which I can see the clock, they 10 didn't. 11 I don't know why, why is my cell 12 positioned so I can't see any clock, or I can't see 13 the time, or the date, or I can't see any window. 14 And he didn't listen to me. 15 And I tried to call him. I tried to talk 16 to him. I send him a lot of request slips. He 17 never even answer me. He never even come to my cell 18 and talk to me, even when he came to Collin Rice, 19 because his father call him. I try to talk to him. 20 He make like that (indicating) and he left. 21 Q. So essentially he was involved in the 22 denial of your right to practice religion freely 23 because he didn't move you to a new cell? 24 MR. GECKLE: Object to form. You can 25 answer.</p>

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<p>1 A. No, because he segregated me in a 2 position, I can't use the water, it's very cold, 3 and, no, I can't see the time of the day, and I 4 can't see a clock.</p> <p>5 Q. Okay.</p> <p>6 A. And everybody is neglecting me, and even 7 him neglecting me even if I try to talk to him or 8 talk to anybody, neglectation. So I'm like, okay, you 9 practice your religion, now, be here, nobody will 10 look --</p> <p>11 Q. So -- I'm sorry to cut you off, but we are 12 kind of pressed for time, so I want to make sure we 13 get through this in a speedy way.</p> <p>14 So Correctional Officer Harman, he's the 15 Classifications Coordinator at Northampton County 16 Prison; correct?</p> <p>17 A. Yes, sir.</p> <p>18 Q. And he makes the decisions on where 19 inmates are to be housed; correct?</p> <p>20 A. Yes, sir.</p> <p>21 Q. Okay. And you believe that he denied you 22 the right to practice your religion freely because 23 of the cell that you were placed in?</p> <p>24 A. He torture me, sir.</p> <p>25 MR. GECKLE: That's not what he asked</p>	<p>1 MR. GECKLE: He asks you the 2 questions. You answer the questions.</p> <p>3 THE WITNESS: Okay.</p> <p>4 Q. Yes. Okay. So Officer Colarusso, how did 5 Officer Colarusso prevent you from practicing your 6 religion freely?</p> <p>7 A. He -- he has -- he can't prevent me like 8 physically. Like he can't tie me. But the way he 9 act, like with the other inmates, calling me 10 terrorist, because I'm Muslim, with the other 11 inmates putting papers on the door and laughing with 12 them and read the paper and put it back on my door, 13 and I give a time and I give the date on my 14 complaint, calling me gay, terrorist, laughing with 15 them about that, calling me a camel, coming to my 16 cell giving me the food, oh, I see a lot of camels 17 today. That's kind of like hate against me.</p> <p>18 But he cannot like -- if I ask somebody to 19 pray, like I'm in my cell right now, I'm segregated 20 like if they put a dog in a box, for example.</p> <p>21 What's he going to do for him more than 22 that?</p> <p>23 MR. GECKLE: What did Colarusso do?</p> <p>24 THE WITNESS: I just said.</p> <p>25 Q. So it was just pretty much him saying mean</p>
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<p>1 you.</p> <p>2 A. Yes, I believe so.</p> <p>3 Q. Okay. Is there any other reason why you 4 believe that he denied you the right to practice 5 your religion, besides the cell that you were placed 6 in?</p> <p>7 A. I believe that he has a lot of 8 discrimination and racist issues with me. That's 9 why he did that to me.</p> <p>10 MR. GECKLE: We don't want you to 11 read his mind. We want to know what he did or 12 said.</p> <p>13 A. What he did or said is don't even answer 14 me why -- I think you have a lot of -- if you have a 15 discovery, you would have a lot of request slip. 16 I'm asking him why I'm in segregation, what did I 17 do? Is this -- is anything wrong I do?</p> <p>18 He didn't even answer me. While he came 19 to the other guy and telling him where you want to 20 go, because your dad call me. I think he didn't 21 even give me an explanation.</p> <p>22 Q. Okay. And we are not talking about anyone 23 else other than you, unless I ask you about them. 24 So you keep bringing up --</p> <p>25 A. Isn't this discrimination?</p>	<p>1 things to you?</p> <p>2 A. Gay, and terrorist, and camel, and all 3 this, laughing with the other inmates about me.</p> <p>4 Q. And that prevented --</p> <p>5 A. Kicking the food with his feet in my cell 6 when I drop something from my tray like a piece of 7 cheese or something, that's my cheese here, with his 8 feet. It's hate.</p> <p>9 Q. And that prevented you from being able to 10 practice your religion freely?</p> <p>11 A. Is this preventing me from practicing my 12 religion? No, it didn't prevent me from practicing 13 my religion, this stuff, but it show me a lot of 14 discrimination and hate because I'm practicing my 15 religion.</p> <p>16 Q. Okay. Correction Officer Glovas?</p> <p>17 A. He opened the door to the inmates to get 18 inside my cell and attacking me, me and my celly. 19 And I think my celly, I have a request slip, and he 20 write that this has happened to us, right? And he 21 sign it. No, I have it in my complaint. It's in my 22 discovery. He sign it, and he said that he allowed 23 the inmates to come in my cell and attack us.</p> <p>24 Why they call us PC? He said I am putting 25 you in PC to protect you, which I never asked for</p>

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<p>1 protection, because I know how to protect myself, 2 but he put me in a PC for to segregate me. 3 But, anyway, so why they call me PC, he 4 open the door to some people to attack me in my 5 cell. Plus telling the other inmates, this is his 6 tray, you can put your dick on it. I think that's a 7 lot of hate. 8 MR. GILLIAM-BROWNLEE: Okay. Okay. 9 I don't think I managed to bring a copy of 10 this, but I'll get you a copy whenever we can. 11 If we could just -- you can mark this one. And 12 this is -- 13 MR. GECKLE: 3. 14 MR. GILLIAM-BROWNLEE: Gad 3. 15 (Exhibit Gad 3, Incident Report dated 16 November 17, 2017, was marked for 17 identification.) 18 BY MR. GILLIAM-BROWNLEE: 19 Q. I'm going to have you read this into the 20 record. Or your attorney can read it into the 21 record as well. 22 MR. GECKLE: All right. What -- I'm 23 looking at what has been marked Gad 3, an 24 Incident Report dated November the 17th of 25 2017, for an incident that took place on E-Tier</p>	<p>1 asked for protective custody? 2 That's a lie. That's a lie. 3 Q. Okay. 4 A. But I asked that he -- he farted when I 5 was praying. He farted. He disrespect me. This is 6 what I said, but I didn't ask to be in protective 7 custody. 8 Q. So now you mentioned that Correctional 9 Officer Glovas was involved in allowing someone to 10 beat you up in your cell? 11 A. He opened the door for the inmate to come 12 and attack me in my cell. And I have a request 13 slip, even my celly said that. He's an old man. 14 Q. Where did this happen? 15 A. In the same cell, I think? Yeah, the same 16 cell, Cell 16. 17 Q. Cell 16, E16? 18 A. E16, yeah. 19 Q. Who was your roommate at the time, or your 20 cellmate? 21 A. Luis Cuevas. Luis Cuevas, and he wrote a 22 request slip. He sign it. I wrote what happened, 23 and he sign it, like this is my signature as a 24 witness on the request slip, that he opened the door 25 for another inmates to come and attack us. And this</p>
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<p>1 upper. 2 The reporting CO is Jacob Allen. He 3 refers to you, Mr. Gad, and also to an inmate 4 named Dennis long. It actually says I think 5 you were in PC at the time. 6 And the description of the incident 7 is as follows: At approximately 14:35, Inmate 8 Gad, Ahmed, Number 24937, told this officer his 9 cellmate Long, Dennis, Number 5436, was 10 disrespecting him during prayer and requested 11 to be placed on protective custody. Inmate 12 Long was moved from E16 to E15. 13 THE WITNESS: Not true at all. 14 MR. GECKLE: Let him ask you a 15 question. 16 BY MR. GILLIAM-BROWNLEE: 17 Q. Have you ever asked for protective 18 custody? 19 A. Never. Never. 20 Q. So, are you saying that what is written in 21 this report is not accurate? 22 A. It's not accurate a hundred percent. If 23 you read in the inmate book, if you want the 24 protective custody, you have to sign for it. You 25 have to sign a paper. Where is my signature that I</p>	<p>1 is in my discovery, in my complaint. 2 Q. Was this incident investigated? 3 A. I don't see anything investigated. I was 4 just neglected. I was just neglected all the time. 5 No investigation. 6 Q. Did you suffer any injuries from this 7 incident? 8 A. Mentally and physically, both. 9 Q. Okay. 10 A. From -- 11 Q. Can you describe to me exactly what 12 happened. So he opens the cell. How does he open 13 the cell door? 14 A. I find the cell door open. The CO is 15 standing outside the cell, open the door, let the 16 inmate inside. That's what happened, exactly. I 17 was laying on my bed, Cuevas laying on his bed, both 18 of us, and all of a sudden we found our door open. 19 I saw the CO will come or something. I 20 find another inmate inside my cell coming, pushing 21 me, yelling at me and my celly, snatching -- I 22 don't know how to say in English, but grabbing the 23 jumper suit, and give me, this is mine. 24 So I said, man. He said fuck off, and he 25 pushed me, and pushed -- Cuevas was scared too. And</p>

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<p>1 then he left the cell.</p> <p>2 I was like, oh, my goodness, like if I</p> <p>3 step one more step he might kill me. And Cuevas was</p> <p>4 standing outside. He --</p> <p>5 Q. Weren't your cells supposed to be locked</p> <p>6 24/7?</p> <p>7 A. Sorry?</p> <p>8 Q. Was your cell supposed to be locked at all</p> <p>9 times?</p> <p>10 A. Where is the cells -- I don't understand</p> <p>11 the question.</p> <p>12 MR. GECKLE: Was your cell -- where</p> <p>13 did this happen, first of all?</p> <p>14 THE WITNESS: Yeah, it was supposed</p> <p>15 to -- this was happen in E16, in my cell. And</p> <p>16 where my cell, like you said -- if the cell</p> <p>17 supposed to be locked all the time, at this</p> <p>18 time, yes.</p> <p>19 If you are in E Block, you have to be</p> <p>20 locked all the time, except in your time out to</p> <p>21 shower, or your time out to make a phone call,</p> <p>22 and then you go back and you lock.</p> <p>23 This is a segregation when I was</p> <p>24 there. It's not supposed the door to be open</p> <p>25 to some inmates. And even if the door is open,</p>	<p>1 That's what happened. We gave him what he</p> <p>2 want so he can leave the cell. He want the jumper,</p> <p>3 take the jumper. But if we said no, we might get</p> <p>4 attacked more. We might get killed. We might get</p> <p>5 stabbed.</p> <p>6 Q. So you didn't suffer any physical injury</p> <p>7 because of this?</p> <p>8 A. No, it was not injuries, but just threaten</p> <p>9 me. Like I felt like threat and stress, but is not</p> <p>10 injuries. No, I didn't get injured.</p> <p>11 Q. So you -- did this guy strike you at all?</p> <p>12 A. No, he didn't strike me.</p> <p>13 Q. Okay. Let's move on to Correctional</p> <p>14 Officer -- I'm sorry.</p> <p>15 MR. GECKLE: Kyle Wene?</p> <p>16 MR. GILLIAM-BROWNLEE: First let's do</p> <p>17 McNair, Correctional Officer McNair.</p> <p>18 THE WITNESS: Yes, sir.</p> <p>19 Q. How were they involved in denying you your</p> <p>20 right to practice your religion freely?</p> <p>21 MR. GECKLE: Just McNair he's talking</p> <p>22 about now.</p> <p>23 THE WITNESS: Yeah.</p> <p>24 A. Neglecting asking to turn my light on, and</p> <p>25 he said -- this is what I talked to you about, I</p>
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<p>1 which is not true, nobody supposed to go in</p> <p>2 each other's cell. Like he get in my cell</p> <p>3 while I'm sleeping, attacking me and my celly.</p> <p>4 And the door was closed. They just opened the</p> <p>5 door for him to get inside. And then when he</p> <p>6 left, he closed the door.</p> <p>7 MR. GECKLE: You say he. Who is he?</p> <p>8 THE WITNESS: Glovas, the CO.</p> <p>9 BY MR. GILLIAM-BROWNLEE:</p> <p>10 Q. Glovas closed the door?</p> <p>11 A. Yeah, the CO, Glovas. I think his name is</p> <p>12 Glovas. Yeah, when the guy -- when the guy finished</p> <p>13 what he's doing, and he left the cell, Glovas closed</p> <p>14 the door.</p> <p>15 Q. And what did the guy do? Did he just grab</p> <p>16 you?</p> <p>17 A. He cursed me and my celly, and he pushed</p> <p>18 me. And he grab -- and he snatched the jumper suit</p> <p>19 from me and my celly. Like we were scared. We were</p> <p>20 threatened if we move or if we do anything and say</p> <p>21 this is my jumper, for example, he might -- if</p> <p>22 like -- like if you are in the street, and somebody</p> <p>23 come and he attack you taking your wallet, and you</p> <p>24 give him your wallet, he is not going to attack you</p> <p>25 no more; right?</p>	<p>1 just told you about. He said your light switch is</p> <p>2 broken, which is why -- that's for every time I ask</p> <p>3 him, your light switch is broken. And he leave.</p> <p>4 What time is it, to pray, he don't answer</p> <p>5 me. Even when he answer me, like say for example,</p> <p>6 it's 10 o'clock or 10:20, he don't answer me. What</p> <p>7 time is it? He answer like that, right, and he</p> <p>8 leave. Excuse me, what? CO, can I know what time</p> <p>9 is it, please, I need to pray, I don't know, I have</p> <p>10 to pray at twelve o'clock, for example. He don't</p> <p>11 even comply.</p> <p>12 What does this mean? I don't -- if he</p> <p>13 answer. He didn't even answer me. Giving me missed</p> <p>14 trays, missed trays all the time. My tray is</p> <p>15 different than any other tray, missing stuff from</p> <p>16 it. And when I talk to him, you want it or no? If</p> <p>17 I don't -- if I just be late, he's not going to give</p> <p>18 me my tray.</p> <p>19 Q. Did that stop you from being able to</p> <p>20 practice your religion freely?</p> <p>21 A. Not giving me the time. If you are</p> <p>22 talking about the religion, he refused to give me</p> <p>23 the time to pray. When I ask him for the time to</p> <p>24 pray, he don't even answer me. Don't turn on --</p> <p>25 Q. So, Correctional Officer McNair's actions</p>

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<p>1 that stopped you from being able to practice your 2 religion freely was not providing you with the time? 3 A. Exactly. 4 Q. And nothing else, that was the only thing 5 that -- 6 A. About the pray or about the hate? About 7 the pray, the time. But about the hate, there's a 8 lot of things. 9 Q. We are talking about -- 10 A. The pray. 11 Q. -- what prevented you from being able to 12 practice your religion. 13 A. To pray is the time. He don't provide me 14 with the time to pray. 15 Q. Okay. Now, let's talk about Correctional 16 Officer Wene. So I believe you alleged that 17 Correctional Officer Wene assaulted you while at -- 18 A. Wene was not serving on the E-Tier. He 19 was not working on the E-Tier. He was just taking 20 us to -- like if you want to go to yard, if you want 21 to go to medical, if you want to go to a visit, if 22 you want to go to see your lawyer, he take you over 23 there. But he is not on the E-Tier. 24 In my time I didn't see him on E-Tier. He 25 was just taking me. On my way he punched me.</p>	<p>1 go to upstate. 2 Q. Okay. 3 A. But estimate time, like what month 4 exactly, what day exactly -- 5 Q. So sometime in December or January? 6 A. I can't say what exactly, because I'm not 7 a computer. I can't put the date in my mind. I 8 wrote a letter -- 9 Q. Sometime -- what -- 10 A. You see my complaint? I'll tell you very 11 easy. You see my complaint when I complain to 12 Lieutenant Werley and Lieutenant Werley took me to 13 his office, around this time, maybe a week or two 14 before. 15 Q. So that's the incident you are referring 16 to -- 17 A. I complained to Lieutenant Werley, and he 18 look at it on the computer, and he apologize to me. 19 And he ask the CO to took the handcuffs off my hand. 20 And he said nobody is allowed to put his hand on you 21 and I will talk to him. He told me that. 22 Q. So tell me exactly, so you were being 23 moved -- where were you being moved to? 24 A. No, I wasn't moving. He was taking me to 25 somewhere like -- he was taking me, I don't</p>
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<p>1 Q. So, can you tell me exactly what -- how 2 many incidents were you involved with -- 3 A. Two. 4 Q. You were involved in two incidents with 5 Correctional Officer Wene? 6 A. Yes, three. Three. Sorry; three. 7 Q. Three. Tell me about the first incident? 8 A. The first incident, I was going, and he 9 was taking me like you see me like that, for 10 example, and they take me to here right now. And I 11 told you, I was talking to somebody, like saying 12 what's up, or somebody telling me what's up. I 13 turn, hey, what's up, man, and, boom, move, and he 14 punch me. 15 Q. He punched you? 16 A. Yeah. 17 Q. When did this happen? 18 A. When or where? 19 Q. When. 20 A. When exactly I can't give you a straight 21 time, because I'm -- it's all over, you know. Like 22 I can tell like -- 23 Q. An estimate, give me an estimate. 24 A. An estimate, I'm not sure an estimate. 25 Like a few month, I would say a few month before I</p>	<p>1 remember, maybe the medical or something like that, 2 or the yard, I don't remember. 3 MR. GECKLE: He was being escorted 4 somewhere, like he was escorted here today. 5 Right? 6 THE WITNESS: Right. Exactly. 7 Q. Where were you being escorted to? 8 A. I'm not sure, medical or yard. I'm not 9 sure. Either this or this, I'm not sure. I'm not 10 sure. 11 Q. And you say that you stopped to talk to 12 someone? 13 A. I'm not stopped. I was like slowing down, 14 so I can talk to somebody. Like he tell me what's 15 up. I say, hey, what's up, how are you doing, like 16 something like that, and just looking like that. 17 And all of a sudden I find, like even before he say 18 move. The punch was first and then he said move, 19 like that. 20 So I was about to fall down, the first 21 time. And I got pain. But I -- I was like -- I was 22 scared, and even the guy was scared. And he said, 23 go, go. 24 Q. Is this the time where you suffered a 25 broken rib?</p>

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<p>1 A. In both time I got pain, and in both time 2 I -- I think this is the time, yeah.</p> <p>3 Q. This is the time you suffered a broken 4 rib?</p> <p>5 A. Yeah.</p> <p>6 Q. And in the other incidents you didn't 7 suffer any --</p> <p>8 A. What injuries?</p> <p>9 Q. You said three incidents. We are going to 10 get to the other two, but we are still on the first 11 one. For incidents two and three did you suffer any 12 injuries?</p> <p>13 A. Okay. Let me explain it to you, because 14 you don't understand me. In both time he punched 15 me, I was in pain, and I went to the medical. But I 16 don't know what time is exactly cause me the injury. 17 I know that he punched me twice. In both time I got 18 pain.</p> <p>19 Q. On which side of your body did you have 20 the broken rib?</p> <p>21 A. On which time --</p> <p>22 Q. On which side of your body did --</p> <p>23 A. He punched me the first time on the left 24 side and the second time on the right side. Yeah.</p> <p>25 Q. On which side of your body did you have a</p>	<p>1 distance, like about to fall, but I hold myself, but 2 I didn't fall.</p> <p>3 Q. So you didn't fall?</p> <p>4 A. No. But I been thrown like --</p> <p>5 Q. Did you suffer any other injuries besides 6 a broken rib?</p> <p>7 A. I feel pain. I don't know what's going 8 on. I don't know what happened. What happened is 9 that I went to the medical several times. And I 10 been asking to go the medical a long time until they 11 take me one time. And then another time after.</p> <p>12 And then after like months, I didn't know 13 what happened to me. I find the doctor coming to my 14 cell telling me, Mr. Gad, we know that you have a 15 broken rib, but there is nothing to do about it 16 except time to heal. And she left. And that was 17 like months after I went to the medical.</p> <p>18 Like it took me like two-three months to 19 tell me that? I would say two month. I'm not 20 accurate. I'm not -- but long time. And then I 21 feel the pain, and even after I went to upstate I 22 was still in pain.</p> <p>23 Q. Now tell me about the second incident 24 where you allege that Officer Wene punched you?</p> <p>25 A. I was going from -- I was coming back from</p>
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<p>1 broken rib?</p> <p>2 A. The left side.</p> <p>3 Q. The left side?</p> <p>4 A. The left side, yeah.</p> <p>5 Q. In which incident did he punch you on the 6 left side?</p> <p>7 A. In the first one.</p> <p>8 Q. The first incident?</p> <p>9 A. Yes.</p> <p>10 Q. So based on that, you believe that the 11 injury to where -- that caused the broken rib, it 12 happened in the first incident?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. So now in this incident you say 15 that you were being -- you were being escorted 16 somewhere by Officer Wene and he punched you. How 17 did he punch you?</p> <p>18 A. Like I just said, he punched me with a 19 closed fist in my rib, telling me, move, like that.</p> <p>20 Q. With a closed fist in your rib he punched 21 you?</p> <p>22 A. Yeah. Yes, sir. It's on the camera.</p> <p>23 Q. Okay. Did you fall, did you --</p> <p>24 A. I was about to fall. I been thrown like 25 from here I would say to the wall, like long</p>	<p>1 somewhere with him, and I stopped in front of K 2 Block to talk to Mr. Robert Curren, and while I'm 3 talking to him, I was asking him -- I think I was 4 asking him about something, my case, like what's the 5 meaning of the word remittal in the law. Because he 6 was a paralegal, and he knows about law. So I tell 7 what's -- so I find --</p> <p>8 Q. I don't even know what you're talking 9 about --</p> <p>10 A. Yeah. Anyway, so I find that Officer 11 Wene, the same thing he did, boom, move like that. 12 So I been thrown away again. And I was about to 13 fall again. And I got scared. And even Mr. Robert 14 say the same thing, go, go, go, go, go, just go. So 15 I just go.</p> <p>16 Q. How did he punch you?</p> <p>17 A. With a closed fist in my rib.</p> <p>18 Q. With which hand?</p> <p>19 A. I don't know. I was just talking and I 20 find a closed fist in my rib throwing me. I didn't 21 even see him while he doing it. I just hear go and 22 punching. But when he came behind me, when he did 23 it, how he did it, I didn't see nothing except the 24 punch, and me thrown. That's it.</p> <p>25 Q. Okay. What happened after that? Did you</p>

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<p>1 go back to your cell?</p> <p>2 A. I just go.</p> <p>3 Q. Did you go back to your cell?</p> <p>4 A. They took me -- he took me back to my</p> <p>5 cell.</p> <p>6 Q. Okay. And did you request may medical</p> <p>7 assistance?</p> <p>8 A. I request from the nurse, from the COs, to</p> <p>9 go to medical. And I wrote a request slip until</p> <p>10 they take me. After a while they took me up to</p> <p>11 medical, and they schedule me with a -- with a -- I</p> <p>12 think a specialist for x-ray.</p> <p>13 Q. Okay.</p> <p>14 A. And she made an x-ray for me.</p> <p>15 Q. Now, tell me about the third incident</p> <p>16 involving Officer Wene.</p> <p>17 A. I went -- I was going -- they call yard.</p> <p>18 They was trying like kind of, I don't know, hate or</p> <p>19 discrimination or what. Every time people go to</p> <p>20 yard, I want to go with them. They tell me no,</p> <p>21 that's not you. That's the yard for Ad Seg.</p> <p>22 MR. GECKLE: Yard for what?</p> <p>23 THE WITNESS: Yard, like --</p> <p>24 MR. GECKLE: For who, though?</p> <p>25 THE WITNESS: Rec. Rec. Recreation.</p>	<p>1 THE WITNESS: They call it Ad Seg,</p> <p>2 Administration Segregation, to go to rec, I</p> <p>3 asked to go with them. They say no, you are</p> <p>4 PC.</p> <p>5 MR. GECKLE: You are PC?</p> <p>6 THE WITNESS: PC.</p> <p>7 MR. GECKLE: Protective custody.</p> <p>8 THE WITNESS: Custody. When they</p> <p>9 call for PC to go to rec, I asked to go with</p> <p>10 them. They say no.</p> <p>11 BY MR. GILLIAM-BROWNLEE:</p> <p>12 Q. Okay. But what does this have to do with</p> <p>13 Officer Wene?</p> <p>14 A. I'm telling you. I'm coming in my way.</p> <p>15 I'm explaining. So I wrote requests until they took</p> <p>16 me to the rec. So when I get out of my cell to go</p> <p>17 rec, Officer Wene, he saw, he let the inmates coming</p> <p>18 out of that block. And while I was on my way out of</p> <p>19 the block, he slammed the door in my face. And he</p> <p>20 left with the inmates, took them to rec, but he</p> <p>21 didn't take me.</p> <p>22 I was -- I was in my way, like all the</p> <p>23 inmates here, and I'm with them. He took the</p> <p>24 inmates out. I'm trying to get out. He slammed the</p> <p>25 door in my face, like he refusing me. He don't want</p>
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<p>1 MR. GECKLE: I know. I know. But</p> <p>2 you said that's not for you, that's the yard</p> <p>3 for someone else?</p> <p>4 THE WITNESS: They call the inmates</p> <p>5 to go to recreation. The inmates in E Block,</p> <p>6 we going to rec. So they called rec. So I</p> <p>7 want them to open my door, can I go to rec with</p> <p>8 all the other inmates. No, that's not you.</p> <p>9 Why? Your classification is different. They</p> <p>10 are Ad Seg.</p> <p>11 MR. GILLIAM-BROWNLEE: They were</p> <p>12 what?</p> <p>13 THE WITNESS: Ad Seg.</p> <p>14 BY MR. GILLIAM-BROWNLEE:</p> <p>15 Q. Administrative segregation?</p> <p>16 A. Yeah.</p> <p>17 Q. All right.</p> <p>18 A. So they call another time for another</p> <p>19 people, rec. So I said okay, you call me PC, this</p> <p>20 is PC. He said, no, you are not PC; you are Ad Seg</p> <p>21 PC. What's Ad Seg PC? That's your classification.</p> <p>22 They are only PC. You can't go with PC, you go with</p> <p>23 Ad Seg PC.</p> <p>24 So when they call for Ad Seg --</p> <p>25 MR. GECKLE: Ad Seg.</p>	<p>1 me to --</p> <p>2 Q. Did the door hit you?</p> <p>3 A. And let me -- but, anyway, go ahead. The</p> <p>4 door didn't hit me. What happened is that he was</p> <p>5 telling them before, I heard him saying, he is not a</p> <p>6 PC, he is an Ad Seg PC.</p> <p>7 Q. Okay. But --</p> <p>8 MR. GECKLE: You were not a PC,</p> <p>9 right? I'm trying to help here.</p> <p>10 THE WITNESS: Yes.</p> <p>11 MR. GECKLE: You are an -- what are</p> <p>12 you again?</p> <p>13 THE WITNESS: Ad Seg PC or PC. I</p> <p>14 don't know what was my classification, but</p> <p>15 every time they tell me you are a different</p> <p>16 classification. And when I was trying to get</p> <p>17 out, he tell them, he is not this</p> <p>18 classification.</p> <p>19 So I complained. So when I was</p> <p>20 going, after I complained to rec, he let the</p> <p>21 other inmates going out, and he slammed the</p> <p>22 door in my face not to let me out.</p> <p>23 And CO Bird, his name is Bird. He</p> <p>24 told him, you cannot do that. He called, and</p> <p>25 he opened the door for me, and he told him, you</p>

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<p>1 cannot do that.</p> <p>2 BY MR. GILLIAM-BROWNLEE:</p> <p>3 Q. Did you file a grievance for all of these</p> <p>4 incidents?</p> <p>5 A. I wrote. Yes, I complained. They don't</p> <p>6 give you a grievance here, sir. When you ask for a</p> <p>7 grievance, they don't give it to you. I swear to</p> <p>8 God. I swear to God. It's even -- get a tablet</p> <p>9 right now, and click on the grievance icon on the</p> <p>10 tablet. It will give you this answer. No such</p> <p>11 form. Does not exist.</p> <p>12 (Exhibit Gad 4, Inmate Request dated</p> <p>13 December 3, 2017, was marked for identification.)</p> <p>14 BY MR. GILLIAM-BROWNLEE:</p> <p>15 Q. So now I want to introduce another</p> <p>16 Exhibit, Gad 4. And this is a grievance or inmate</p> <p>17 request that you had filed?</p> <p>18 A. Request, huh?</p> <p>19 Q. Yes.</p> <p>20 MR. GECKLE: Do you want me to read</p> <p>21 this as well?</p> <p>22 MR. GILLIAM-BROWNLEE: Yes, if you</p> <p>23 can read it into the record, please.</p> <p>24 MR. GECKLE: I'm reading what has</p> <p>25 been marked Gad 4. It's an inmate request form</p>	<p>1 other one.</p> <p>2 MR. GECKLE: I didn't read this.</p> <p>3 There is a second part to this.</p> <p>4 MR. GILLIAM-BROWNLEE: Yes.</p> <p>5 MR. GECKLE: Do you want me to read</p> <p>6 that as well?</p> <p>7 MR. GILLIAM-BROWNLEE: Yes, please.</p> <p>8 MR. GECKLE: It says, Note: Officer</p> <p>9 Wene pushed me hard. I was about to fall down</p> <p>10 on the floor in my way to the rec more than</p> <p>11 once. And another time I was standing with the</p> <p>12 other inmates waiting to go to the rec. He</p> <p>13 took all of them and locked me in the block.</p> <p>14 But the officer of the block opened the door</p> <p>15 for me and he told him that he can't do that.</p> <p>16 Please, he is really against me for no reason.</p> <p>17 Even the other officer noticed it, otherwise he</p> <p>18 will not tell him that he can't do that.</p> <p>19 Please, I never did any discipline -- I'm</p> <p>20 sorry. Please, I never did any disciplinary.</p> <p>21 I want to finish my time safe and leave safe.</p> <p>22 Thank you.</p> <p>23 THE WITNESS: Um-hmm. Okay. What</p> <p>24 about that?</p> <p>25</p>
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<p>1 dated December 3rd, 2017, applying to Cell</p> <p>2 Number E16. It reads as follows: I</p> <p>3 specifically request, I never had any</p> <p>4 disciplinary since I have -- since I been to</p> <p>5 the prison, and I'm here because of domestic</p> <p>6 violence. Please, I need your help. If you</p> <p>7 please tell Officer Wene not to put his hand on</p> <p>8 me, because he pushed me twice for no reason.</p> <p>9 He can just talk. Also he didn't take me to</p> <p>10 rec. That word is unintelligible. I think it</p> <p>11 says with the other inmates. And the other</p> <p>12 officer --</p> <p>13 THE WITNESS: Officer Bird.</p> <p>14 MR. GECKLE: He told him that he</p> <p>15 can't do that.</p> <p>16 And by the other officer you mean</p> <p>17 Officer Bird?</p> <p>18 THE WITNESS: Um-hmm. Yeah.</p> <p>19 BY MR. GILLIAM-BROWNLEE:</p> <p>20 Q. Does that accurately reflect what happened</p> <p>21 with this -- this appears to refer to only one</p> <p>22 single incident.</p> <p>23 A. This was talking about the rec, actually.</p> <p>24 And I was trying to complain about the recreation.</p> <p>25 I think this is two of them. I didn't read the</p>	<p>1 BY MR. GILLIAM-BROWNLEE:</p> <p>2 Q. Does that accurately reflect what</p> <p>3 happened?</p> <p>4 A. Yeah. When I say pushed hard, I mean</p> <p>5 punched, because you have to understand that my</p> <p>6 first language is not English. And by the time in</p> <p>7 jail, I've been talking to a lot of inmates and</p> <p>8 that's improved my language.</p> <p>9 But when I said pushed hard, I mean closed</p> <p>10 fist. I mean punched me, but maybe this means like</p> <p>11 I was trying to -- to explain or to complain about</p> <p>12 his hate to me. So I didn't give it exactly. But I</p> <p>13 was talking about that he punched me twice and he</p> <p>14 has hate against me that he slammed the door. Even</p> <p>15 when I said slammed the door, I didn't even say</p> <p>16 slammed the door, I just said he closed the door in</p> <p>17 my face.</p> <p>18 Look at my language. My first language is</p> <p>19 not English. That's why I'm telling you that I</p> <p>20 couldn't explain it good. But I mean what I said.</p> <p>21 Q. Okay. So did he punch you, or did he push</p> <p>22 you?</p> <p>23 A. It's a closed fist, punching me hard.</p> <p>24 What do you call closed fist, push me hard or</p> <p>25 punched me. He punched me.</p>

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<p>1 Q. So you are now saying that he punched you?</p> <p>2 A. Yes, sir.</p> <p>3 Q. When before you say that he pushed you?</p> <p>4 A. This because of my language. It's not</p> <p>5 because of my -- I'm describing, like when I said he</p> <p>6 closed the door in my face, I didn't say slammed the</p> <p>7 door. I told you, my language has improved while</p> <p>8 I'm in jail. But I would say he -- he punched me,</p> <p>9 and it really caused me a lot of pain.</p> <p>10 But if you are talking about my language</p> <p>11 in the request, because my language, my first</p> <p>12 language is not English, that's all.</p> <p>13 Q. So how long have you been in America, in</p> <p>14 the United States of America?</p> <p>15 A. To now?</p> <p>16 Q. Yes.</p> <p>17 A. Almost -- almost ten years.</p> <p>18 Q. Okay. And until recently you didn't</p> <p>19 understand the difference between a push and a</p> <p>20 punch?</p> <p>21 A. No, I understand, but that's not my first</p> <p>22 language. So the way you explain is not the -- when</p> <p>23 your first language is English, is different than</p> <p>24 somebody's else language -- first language is not</p> <p>25 English. So when you try to explain something, you</p>	<p>1 incident reports, completed in regards to your</p> <p>2 claims. We'll start with Gad 5, which is an</p> <p>3 incident report completed by Officer Wene</p> <p>4 regarding this incident.</p> <p>5 MR. GECKLE: Is this 5?</p> <p>6 MR. GILLIAM-BROWNLEE: Yes. Could</p> <p>7 you please read that into the record.</p> <p>8 THE WITNESS: That's not my</p> <p>9 handwriting.</p> <p>10 MR. GECKLE: No, it's not. It's</p> <p>11 Officer Wene's handwriting, I believe.</p> <p>12 MR. GILLIAM-BROWNLEE: Yes.</p> <p>13 MR. GECKLE: This is an incident</p> <p>14 report dated December 3rd, 2017. The place of</p> <p>15 incident is E-Tier. The officer name is Wene,</p> <p>16 Kyle Wene. And the inmate is Ahmed Gad,</p> <p>17 housing E16.</p> <p>18 And the description of the incident</p> <p>19 is as follows: On December 3rd, 2017, I was</p> <p>20 questioned by Lieutenant Werley about</p> <p>21 accusations made by Inmate Gad. Inmate -- I'm</p> <p>22 sorry, Inmate Gad, Ahmed, that I pushed him.</p> <p>23 The incident may have occurred on 24th, '17,</p> <p>24 when a Code Red was called on -- I think it's</p> <p>25 B4. I was escorting protective custody</p>
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<p>1 might explain it wrongly.</p> <p>2 But I don't say that I don't understand</p> <p>3 English. I don't say that I'm ignorant. I don't</p> <p>4 say -- I'm telling you, I told you, I'm engineer and</p> <p>5 I'm a pilot. Before even I come to the United</p> <p>6 States, I was an engineer.</p> <p>7 So I understand English. But when I try</p> <p>8 to explain, like look at my language when I said he</p> <p>9 closed the door in my face. Look at this. When you</p> <p>10 try to explain something, it's different than it's</p> <p>11 your original language. You might say you don't</p> <p>12 mean what -- you don't mean what you say, but you</p> <p>13 say it the wrong way. You understand what I mean?</p> <p>14 If I said push me hard in my ribs, I mean</p> <p>15 he punched me. But I don't give it the same way you</p> <p>16 can do it like American people or people from the</p> <p>17 first language. You understand what I mean? Like I</p> <p>18 understand, but sometimes when you try to explain,</p> <p>19 it don't be in the right way.</p> <p>20 (Exhibit Gad 5, Incident Report dated</p> <p>21 December 3, 2017, was marked for</p> <p>22 identification.)</p> <p>23 MR. GILLIAM-BROWNLEE: Okay. And now</p> <p>24 I'm going to introduce Exhibit Gad 5, which is</p> <p>25 another -- which are -- Gad 5 and Gad 6, two</p>	<p>1 recreation back to E-Tier.</p> <p>2 When the Code Red was called, I was</p> <p>3 attempting to rush these protective custody</p> <p>4 inmates back to E-Tier in order to respond to</p> <p>5 the code. I was also questioned about shutting</p> <p>6 the Door 60 in inmate Gad's face. Inmate Gad</p> <p>7 had walked out of line for recreation to talk</p> <p>8 to another inmate on E-Tier. I did close Door</p> <p>9 60 and escorted the remaining protective</p> <p>10 custody inmates to the recreation yard.</p> <p>11 THE WITNESS: Okay.</p> <p>12 BY MR. GILLIAM-BROWNLEE:</p> <p>13 Q. So minutes ago you testified that at --</p> <p>14 during one of these incidents you stepped out and</p> <p>15 was talking with another inmate.</p> <p>16 A. Okay.</p> <p>17 Q. Is that what is being reflected in this</p> <p>18 report?</p> <p>19 A. First of all, there is no line. Look at</p> <p>20 the camera, sir, there was no line. He said stepped</p> <p>21 out of the line. There was no line.</p> <p>22 Q. Is that what is being reflected in this</p> <p>23 report, that you had stopped and talked to another</p> <p>24 inmate --</p> <p>25 A. Stepped out of the line, no. That's</p>

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<p>1 wrong.</p> <p>2 MR. GECKLE: Let him finish his</p> <p>3 question.</p> <p>4 Q. Regardless of the line, is what is being</p> <p>5 reported -- what is being written in this incident</p> <p>6 report accurately reflect what happened when you</p> <p>7 allege that Officer Wene slammed the door in your</p> <p>8 face?</p> <p>9 A. That's not true. That's not true. You</p> <p>10 want me to explain?</p> <p>11 Q. What part is inaccurate?</p> <p>12 A. Okay. First of all, there was no line.</p> <p>13 Everybody was talking to each other. We were going</p> <p>14 to recreation. We were a standing group, okay?</p> <p>15 Some other guy in his cell, he told me, he was</p> <p>16 asking me about to give him something. And I said</p> <p>17 when I come back. That's all what I did. That's</p> <p>18 all what I said. I said when I come back. That's</p> <p>19 it.</p> <p>20 We going out. He let the other inmates,</p> <p>21 and while I'm behind them, he slammed the door in my</p> <p>22 face. I didn't get out of the line like he said. I</p> <p>23 didn't go back to my cell. I wasn't far away. We</p> <p>24 were all grouped. There was no line, sir.</p> <p>25 Like I would tell you, like, say, for</p>	<p>1 think, or he wasn't there, I don't know, but</p> <p>2 anyway.</p> <p>3 (Exhibit Gad 6, Incident Report dated</p> <p>4 December 1, 2017, was marked for</p> <p>5 identification.)</p> <p>6 MR. GILLIAM-BROWNLIE: Could you read</p> <p>7 that into the record.</p> <p>8 MR. GECKLE: All right. This is an</p> <p>9 Incident Report dated December 1st, 2017. This</p> <p>10 is Number 6; right?</p> <p>11 THE WITNESS: Um-hmm.</p> <p>12 MR. GECKLE: It's by Officer Tolsado,</p> <p>13 badge looks like 441. Inmate name is Ahmed</p> <p>14 Gad. Description of incident: On</p> <p>15 December 1st, 2017, at or around 2000 hours, I,</p> <p>16 Office Tolsado, was in the process of rounding</p> <p>17 up PCs for yard. In the process, I opened up</p> <p>18 Cell 16, which housed Inmate Gad, Ahmed. I</p> <p>19 informed Gad to go downstairs with the rest of</p> <p>20 the PCs for yard. He complied. Gad -- oh,</p> <p>21 Gad, once downstairs, began engaging in a</p> <p>22 conversation with Inmate Jason Moore. Officer</p> <p>23 Wene then arrived to transport the PCs to yard.</p> <p>24 Wene stood at the door waiting for him to exit.</p> <p>25 Gad continued to talk, and I instructed him to</p>
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<p>1 example, we are sitting, like now, and some CO told</p> <p>2 me something over the door right now, and I tell</p> <p>3 him, okay, when I finish here, I will tell you. And</p> <p>4 then I come back, and you slam the door. That's the</p> <p>5 same exactly.</p> <p>6 I didn't get out of the line. I didn't go</p> <p>7 away. All this is not true. What happened, I was</p> <p>8 standing with a group to go to the rec. Some other</p> <p>9 guy asked me about the Koran, I think, he was asking</p> <p>10 me about to give him the Koran, or my Bible, Muslim</p> <p>11 Bible. So I told him, I will give it to you when I</p> <p>12 come back. That's all what happened.</p> <p>13 So all of them, we were going, and when it</p> <p>14 come to my turn to get out, he slammed the door.</p> <p>15 And that's why Officer Bird told him, you cannot do</p> <p>16 that. If Officer Bird see that I was doing wrong,</p> <p>17 he's not going to tell him, you cannot do that. You</p> <p>18 heard me?</p> <p>19 MR. GILLIAM-BROWNLIE: All right.</p> <p>20 Now we're going to introduce Gad 6, which is an</p> <p>21 Incident Report completed by Officer Tosado,</p> <p>22 who was in the area of the alleged incident</p> <p>23 where you had the door slammed in your face.</p> <p>24 THE WITNESS: Tosado -- Tosado wasn't</p> <p>25 even with downstairs. Tosado was upstairs, I</p>	<p>1 go. When he was making his way to the door,</p> <p>2 Wene had closed it. I then called to have the</p> <p>3 door opened, and Gad made his way out with the</p> <p>4 rest of the PCs. I did not see any pushing or</p> <p>5 shoving by Officer Wene during the process.</p> <p>6 THE WITNESS: That's funny. That's</p> <p>7 all I can say. That's funny, because that's</p> <p>8 going to show the hate more, because it's on</p> <p>9 camera. Look on the camera. That's all I can</p> <p>10 say. Look on the camera. If I was going</p> <p>11 outside of the door and Wene is outside -- I'm</p> <p>12 here, and Wene is here, and he closed the door,</p> <p>13 his face is looking, his eyes is looking in my</p> <p>14 eyes, that's what he is talking, he closed the</p> <p>15 door. And when I went the door was closed.</p> <p>16 If I was in front of him and he</p> <p>17 closed the door in my face, what are you</p> <p>18 talking about? Look on the camera, sir. Look</p> <p>19 on the camera. That's a lie.</p> <p>20 MR. GECKLE: Also, it looks like</p> <p>21 Lieutenant Werley interviewed you about this.</p> <p>22 And Lieutenant Werley says that he spoke with</p> <p>23 the inmate. He was unable to give days or</p> <p>24 times when the issues occurred with this</p> <p>25 officer. Inmate admitted to not being in line</p>

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<p>1 when rec left -- am I reading that right?</p> <p>2 MR. GILLIAM-BROWNEE: Yes.</p> <p>3 MR. GECKLE: When rec left the block</p> <p>4 due to talking to Inmate Moore on E-Tier.</p> <p>5 Inmate also admitted to talking to an inmate on</p> <p>6 K-Tier when he was returning from recreation.</p> <p>7 Officer Wene admits to putting his hand on him</p> <p>8 to continue to move him from K-Tier.</p> <p>9 THE WITNESS: Okay.</p> <p>10 BY MR. GILLIAM-BROWNEE:</p> <p>11 Q. Okay. So that --</p> <p>12 A. I told you that --</p> <p>13 Q. Does that accurately reflect the</p> <p>14 conversation that you had with Lieutenant Werley?</p> <p>15 A. Conversation? What conversation?</p> <p>16 Q. This refers --</p> <p>17 A. You're talking about incident, not</p> <p>18 conversation.</p> <p>19 Q. Well, this -- in the Immediate Action</p> <p>20 Taken is a paragraph that refers to a conversation</p> <p>21 that you had with Lieutenant Werley regarding --</p> <p>22 A. No. No, this is not true. I remember</p> <p>23 when I went to Lieutenant Werley, the only</p> <p>24 conversation I talked to him about, I remember that,</p> <p>25 is that when I told him that he has hate against me,</p>	<p>1 reflected in what Lieutenant Werley wrote?</p> <p>2 A. Yeah. Exactly. It is not actually</p> <p>3 reflected -- it is not reflected right. Exactly.</p> <p>4 This is the thing you said. You get it right. It</p> <p>5 is not reflected right.</p> <p>6 Q. So you did not admit that --</p> <p>7 A. Lieutenant Werley didn't say --okay.</p> <p>8 Q. So you didn't admit that you had stopped</p> <p>9 to talk with someone --</p> <p>10 A. No, I did. I just told you that. I told</p> <p>11 you somebody asked me about the Koran, and I told</p> <p>12 him I'll give it to you when I come back. That's</p> <p>13 all.</p> <p>14 Q. So that's true?</p> <p>15 A. I admit that, yeah. Somebody asked me a</p> <p>16 question.</p> <p>17 Q. Did you admit that -- that you were out of</p> <p>18 line?</p> <p>19 A. There was no line, sir. There was no line</p> <p>20 to be out of.</p> <p>21 MR. GECKLE: Is the answer no?</p> <p>22 THE WITNESS: No. Everybody was</p> <p>23 standing around. Everybody standing</p> <p>24 everywhere. There was no line.</p> <p>25</p>
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<p>1 he hit me two times, or he punched me, or he pushed</p> <p>2 me, whatever you call it.</p> <p>3 So I -- can I continue?</p> <p>4 Q. Yes.</p> <p>5 A. That's the talk about -- that's the</p> <p>6 conversation with Lieutenant Werley. And he was</p> <p>7 looking, he was sitting on his desk, and I was</p> <p>8 standing in front of him, and I told him that he</p> <p>9 slammed the door in my face. That's what I said.</p> <p>10 And most of the talking, I was explaining</p> <p>11 to him how he punched me and where. And he was</p> <p>12 looking on the computer, on -- when he was talking</p> <p>13 to me, he was looking at the screen of the computer,</p> <p>14 and he apologized to me and he stand up.</p> <p>15 Because in the beginning he wasn't</p> <p>16 believing me. He was thinking that I'm lying. And</p> <p>17 he keep talking like --</p> <p>18 Q. Okay. So --</p> <p>19 A. And then he asked the CO to take the</p> <p>20 handcuffs off my hand. And he said, I apologize to</p> <p>21 you, nobody has a right to put his hands on you,</p> <p>22 after he saw it on the computer.</p> <p>23 Q. So you had a conversation with Lieutenant</p> <p>24 Werley as indicated in this report, but you are</p> <p>25 saying that the conversation is not accurately</p>	<p>1 BY MR. GILLIAM-BROWNEE:</p> <p>2 Q. Okay. I guess we'll just move on.</p> <p>3 A. I'm being clear to you.</p> <p>4 Q. Were there any witnesses to the alleged</p> <p>5 punch by --</p> <p>6 A. Mr. Robert, he didn't told me that he's a</p> <p>7 witness, but I know he saw it, because he told me</p> <p>8 go, go. He saw what happened. He was scared when</p> <p>9 he saw that, and he said go, go, go like that.</p> <p>10 MR. GECKLE: Who was this?</p> <p>11 THE WITNESS: Robert Curren, I put</p> <p>12 his number and his wife's number and his name</p> <p>13 on my report.</p> <p>14 Q. Okay. Did you file any other reports</p> <p>15 regarding this incident or any other incidents at</p> <p>16 Northampton County Prison?</p> <p>17 A. I don't understand the question.</p> <p>18 Q. Did you file any other complaints or</p> <p>19 reports about the incidents that you allege against</p> <p>20 Officer Wene?</p> <p>21 A. I filed to the Court, to my Judge. And I</p> <p>22 filed what they doing to me, and I filed that I'm</p> <p>23 being not taken food, I'm being prevented from yard</p> <p>24 and food and shower. And all the other inmates,</p> <p>25 they open the door for them.</p>

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<p>1 The Judge took me to the Court, and she 2 told me, that's not -- I have no control of -- over 3 DOC, that's the DOC job. I can't do nothing to you. 4 MR. GECKLE: Let's -- what he asked 5 you about are these inmates request forms. 6 Have you filed any other inmate request forms 7 other than the ones we've already talked about? 8 He didn't ask you about the Judge. 9 THE WITNESS: Yeah. I filed a lot of 10 request slips, but I can't remember them. I 11 filed a lot of request slips and complaints and 12 letters to the Judges and everywhere, and to 13 the DA, the district attorneys. I filed to 14 everywhere. 15 BY MR. GILLIAM-BROWNEE: 16 Q. And what were these complaints about? 17 A. About the discrimination, and because I 18 pray they segregate me, and I can't -- they didn't 19 give me my trays, they hitting me, they putting 20 papers on my doors, they tell the other inmates to 21 put their genital, their dick, in my tray, they 22 allowing inmates to attack me in my cell, everything 23 I just talk. 24 Q. Okay. Did you -- did you complain about 25 not being able to choose your -- choose a cell that</p>	<p>1 everything, everything. I been complaining like in 2 my request slip, yard, they don't take me, that's 3 why I been complain. I been complain about the 4 food. They don't give me my trays like the other 5 people. I been complain about telling the tiers to 6 put their dick in my food. I been complain about 7 everything. 8 Q. Were these complaints investigated? 9 A. I don't know. I've been neglected. I 10 don't know. The only thing he talked to me about, 11 when I got hit by Officer Wene. That's the only 12 thing. And he apologized to me. That's the only 13 thing. Lieutenant Werley took me to his office and 14 talked to me about it. 15 That's the only thing. I never been 16 talking about anything else, so I don't know if they 17 investigated it or not. They say we investigate. 18 But is it true or not? I don't know. 19 Q. So you never had any communications 20 with -- 21 A. No. No, I'm sorry. Officer Horvath, 22 yeah, yeah, I remember that. Detective Horvath, or 23 Investigator Horvath, I don't know what's his 24 position. I think he's an investigator. He took me 25 and he talked to me. And he said that he will move</p>
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<p>1 you would like? 2 MR. GECKLE: I'm sorry? 3 MR. GILLIAM-BROWNEE: Sorry. 4 Scratch that. 5 Q. Did you complain about the cell that you 6 were being housed in? 7 A. Did I complain about the cell I being 8 housed in? 9 Q. Yes. 10 A. Like cell 16? Sure, I been complained. I 11 been asking them can you move me at least to any 12 other cell? Can you please move me to any other 13 cell? No, that's your cell. You're not going to go 14 anywhere except this cell. That's it, because I 15 can't see the time. 16 Q. So you had a complaint mainly with just 17 the cell that you were being housed in? 18 A. I complain about the time. I been 19 complain about the time. I been complain about the 20 water. I been complain about everything, the trays. 21 I been complain about the yard. It's in my request 22 slip. 23 They take people, they tell me, this is 24 different, this isn't the correct classification. I 25 don't see my classification. I been complain about</p>	<p>1 me to B2, and I will turn you back to the block. He 2 told me that, I will return you back to B2, you will 3 go to B2. 4 And he told me, and I can -- I can even 5 take you out of all this jail, because I feel like 6 you feel unsafe. I can move you from this jail to 7 another jail. He told me that. I swear to God. 8 And then I find Mr. Harman open the door, 9 and he get inside, and he said, I'm not going to 10 take him nowhere. And he will stay in the -- in the 11 E Block and the -- I will keep you over there, and 12 do whatever you want to do. He tell me that. 13 Oh, he said also, I -- I control the -- 14 this is my jail. I control this jail. 15 MR. GECKLE: Who said that? 16 THE WITNESS: Mr. Harman, John 17 Harman. 18 Q. Okay. So you had communications with the 19 Investigator Horvath? 20 A. Horvath, yeah. Horvath, yeah. 21 Q. And did he investigate the claims that you 22 made? 23 A. I don't know. 24 Q. You don't know? 25 A. I don't know.</p>

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<p>1 Q. Have you ever received any communications 2 from Officer Horvath?</p> <p>3 A. Yeah, he sent me a letter saying -- saying 4 you lied. Something like that. Something he say, 5 you lied, and if you send me another complaint I 6 will put you in DS. He said something, I was 7 like -- even my friend tell me, man, like -- like 8 shut your mouth and just take anything they give it 9 to you.</p> <p>10 MR. GILLIAM-BROWNLEE: I'm going to 11 mark this as Gad 7.</p> <p>12 THE WITNESS: This is the letter from 13 him, right?</p> <p>14 MR. GILLIAM-BROWNLEE: Yes, it is.</p> <p>15 THE WITNESS: Yeah, I remember that. 16 (Exhibit Gad 7, Letter dated February 17 14, 2018, from Charles Horvath to Ahmed Gad, 18 was marked for identification.)</p> <p>19 MR. GILLIAM-BROWNLEE: Could you 20 please read that into the record.</p> <p>21 MR. GECKLE: This is a letter dated 22 February 14, 2018, to Mr. Gad, from Charles 23 Horvath, Professional Responsibility 24 Investigator. 25 Dear Mr. Gad, each of the complaints</p>	<p>1 misrepresented, you will be disciplined. 2 Thank you. Signed Charles Horvath. 3 THE WITNESS: He say that I lie. 4 MR. GECKLE: He didn't ask you a 5 question yet.</p> <p>6 BY MR. GILLIAM-BROWNLEE: 7 Q. Do you -- did you receive this letter from 8 Officer Horvath?</p> <p>9 A. Yeah, that's what I just told you.</p> <p>10 Q. So you do have knowledge that your 11 complaints were actually investigated by Officer 12 Horvath?</p> <p>13 A. I received this letter. But if he do his 14 job or not, I don't know. He's probably do nothing.</p> <p>15 MR. GECKLE: That's a perfectly good 16 answer.</p> <p>17 MR. GILLIAM-BROWNLEE: Okay. And 18 I'll mark this as Exhibit Gad 8. And this is 19 an investigation -- Investigative Report 20 completed by Officer Horvath into the 21 allegations that you have made. 22 (Exhibit Gad 8, Investigative Report, 23 Case No. 17-136, was marked for 24 identification.) 25 MR. GECKLE: Do we have to read all</p>
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<p>1 you have filed have been investigated and all 2 have been unfounded. Moreover, the last time I 3 spoke with you, I found that you lied to me 4 about the occurrence that allegedly took 5 place -- the occurrences -- I'm sorry, let me 6 repeat that. Moreover, the last time I spoke 7 to you, I found that you lied to me about the 8 occurrences that allegedly took place. 9 Therefore those alleged incidents were 10 unsubstantiated.</p> <p>11 You have repeatedly complained about 12 various illnesses and injuries, yet none have 13 been substantiated. If you are experiencing 14 medical issues, contact the officer on your 15 housing unit, and a nurse will be summoned. 16 You will then be treated appropriately.</p> <p>17 Writing a letter days after falling 18 ill or being injured does you no good and makes 19 your allegations even more suspect. If you 20 feel you are not receiving appropriate 21 treatment, contact your attorney and he will 22 proceed accordingly.</p> <p>23 Until then, each of your complaints 24 will continue to be investigated. However, if 25 your allegations prove to be false or</p>	<p>1 that? Can't it just speak for itself?</p> <p>2 MR. GILLIAM-BROWNLEE: It's only one 3 page. It's the second page.</p> <p>4 MR. GECKLE: This is an investigative 5 narrative, which I -- I'm not sure who authored 6 this. Are you representing to us that it was 7 Mr. Horvath?</p> <p>8 MR. GILLIAM-BROWNLEE: Yes.</p> <p>9 MR. GECKLE: Okay. On December 19th, 10 2017, Director Daniel Keen provided me with 11 copies of two handwritten letters sent to the 12 Court Administration Office by Inmate Ahmed 13 Gad. The letters were very similar and were 14 dated December 7th, 2017, and December 9th, 15 2017.</p> <p>16 Gad alleged there was physical abuse 17 and drug use occurring in the jail, among other 18 things, and the misconduct was being allowed by 19 the officers.</p> <p>20 On December 20th, 2017, at about 21 11:43 hours, I interviewed Inmate Gad in a 22 treatment interview room. I introduced myself 23 to Gad and told him why I was speaking with 24 him. Gad claimed he had witnessed the 25 following misconduct: 1, officers passing</p>

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<p>1 kites to inmates; 2, officers giving inmates 2 commissary; 3, officers allowing inmates to 3 fight, which result in injuries to the inmates; 4 4, use of drugs and smoking of tobacco, quote, 5 even in the hole, end quote. 6 I asked Inmate Gad for the names of 7 the officers and inmates engaged in the 8 aforementioned behavior, but he declined, 9 claiming his treatment in the jail would be 10 even worse. I asked Gad if he could provide 11 specifics of the activity that he claimed, but 12 he did not. 13 Inmate Gad questioned why he was in 14 protective custody when he did not ask to be 15 placed there. Classification Coordinator John 16 Harman happened to be walking by the interview 17 room, and I caught his attention. He entered 18 the room, and I advised him of Gad's PC 19 concern. 20 Harman related that Gad's former 21 cellmates in B2 and other housing units did not 22 tolerate Gad's way of practicing his Muslim 23 religion, which caused friction. For Gad's 24 safety, Harman moved him. 25 Gad asked that he be moved back to B2</p>	<p>1 Q. How is it corrupted? 2 A. Because, first of all, he say something -- 3 MR. GECKLE: Who is he? 4 THE WITNESS: Mr. Horvath. 5 A. He say something and he do something else. 6 What he told me that he is going to move me. And he 7 said I can move you to another jail. And when 8 Mr. Harman came and he talk like that and he was 9 looking to Harman and they looking to each other, he 10 say I'm not going to do anything to him, I'm not 11 going to take him nowhere, he will stay over there, 12 and it's my jail, I control the jail. And he didn't 13 move me. 14 I been waiting for him, and he didn't do 15 nothing. He say something, which he didn't do it. 16 Also -- also -- also, when he asked me, he said that 17 I lied. I didn't lie on anything. I did not -- I 18 don't want to -- please, when I talk, I'm sorry to 19 tell you that, I like to feel comfortable so I can 20 be slow so she don't have hard time. So let me 21 continue. Don't interrupt me, I'm sorry. 22 What he say is a lie because, first of 23 all, he ask me about everything. I told him. If I 24 said this is officers giving stuff, that's true. If 25 I said that there is officers taking commissary from</p>
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<p>1 because he does not have access to commissary 2 or television where he is currently housed, 3 E14. And he complained of the small dimensions 4 of his current cell. However, Harman was 5 reluctant to do so. 6 According to Inmate Gad, Officer Kyle 7 Wene recently punched him on the right side. 8 Gad spoke with Lieutenant Jason Werley about 9 the incident. Officer Lou Donatelli was 10 present. It was determined that Wene had 11 pushed Gad, who was refusing to move. No punch 12 was thrown. The incident was documented. 13 This case will be considered closed 14 at this time due to Inmate Gad's complaints 15 being unsubstantiated. 16 Did you understand all that? He 17 might ask you a question about it. 18 THE WITNESS: Sure, I'm here for any 19 question. 20 BY MR. GILLIAM-BROWNLEE: 21 Q. So based on this investigative narrative, 22 do you believe that your complaints were 23 investigated? 24 A. I believe that it's been corrupted, not 25 investigated. Very corrupted. Yeah.</p>	<p>1 some inmates to let them fight in the cell, that's 2 true. 3 The inmates come, give the officer some 4 eats, commissary to chill and eat, chips or whatever 5 they sitting with, and they go. And they know them 6 from outside. And they fight in the cells. And 7 they come out with a blue -- black and blue eyes. 8 They come with red, they come with swollen, and they 9 see them and they don't do nothing. Why? Because 10 they pay them, or they know them, or something is 11 going on. I swear to God, I saw that. Okay? 12 Q. Do you -- 13 A. I didn't lie in anything. Please, don't 14 interrupt me. Please. Please. I didn't lie in 15 anything. 16 They fight. They pass tobacco, they bad 17 stuff. I saw officers giving inmates papers in 18 their hands. I don't know what it does. I know the 19 officer is supposed to give tray, supposed to give 20 legal papers, they are not supposed to do give 21 bended papers or bended stuff in hands to the 22 inmates. 23 I saw a lot of stuff in the jail, but is 24 not my business. That is not my business. I'm 25 complaining about my segregation, my position that</p>

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<p>1 I've been discriminated, being hitted, or what they 2 call it pushed hard, or punched, or whatever you 3 call it, or being broken ribs, or being -- putting 4 papers calling me gay, or telling the inmates to 5 attack me, or to put the genital in my tray. 6 I been complaining -- these are the things 7 that concern me. The other things, it don't concern 8 me. If some inmate is fighting, they fight with 9 each other, they don't do nothing about it, this is 10 not my business. 11 If some inmate is taking drugs and they 12 been caught, and I saw Harman talking to some 13 inmates selling cocaine in the jail, that's not my 14 business. 15 It's my business, it's my business, it's 16 mine. I don't care about when he ask me, who is the 17 inmate who is fight, who is the inmate who took the 18 stuff. I don't want to get killed. 19 MR. GECKLE: That's enough. 20 Q. Okay. All right. But included in this 21 investigation was an investigation into the claims 22 that are the reasons why you are here today, that 23 you are claiming that you were assaulted by Officer 24 Kyle Wene? 25 A. Wene.</p>	<p>1 interviewed you as part of his investigation; 2 correct? 3 A. He interviewed me in the treatment. 4 Q. Okay. So at least -- he at least 5 performed at least some of an investigation into 6 your claims; is that correct? 7 A. I don't know that. I don't know he 8 perform investigation. I don't know he talked to 9 them. I don't know they talk to him. All I 10 received is a letter telling me if you talk and you 11 are a liar, if you say any lie, I will discipline 12 you. That's the meaning of the letter. 13 Q. Is that the letter that was marked as -- 14 A. Exactly. That's the meaning of the 15 letter, you are a liar, if you lie -- 16 MR. GECKLE: Shh. I apologize for 17 shushing you. Let him finish his question. 18 THE WITNESS: Okay. 19 MR. GILLIAM-BROWNLEE: And that was 20 Exhibit 6? 21 MR. GECKLE: I believe so. 22 MR. GILLIAM-BROWNLEE: Okay. 23 MR. GECKLE: The letter from Horvath. 24 BY MR. GILLIAM-BROWNLEE: 25 Q. The letter that you are alleging was him</p>
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<p>1 Q. Yes. And that you were complaining that 2 you weren't -- you weren't allowed to practice your 3 religion because you weren't housed in the cell that 4 you would like. Is that correct? 5 MR. GECKLE: Object to the form. 6 THE WITNESS: I don't understand the 7 last part of the question. 8 Q. So this investigation -- 9 A. I understand this part. The other part of 10 housing unit, I don't understand. 11 Q. But what Officer Horvath was investigating 12 were your complaints, not just about what you allege 13 was going on in the prison, but about your alleged 14 assault by an officer, Officer Wene; correct? 15 A. Yes. Yeah. 16 MR. GECKLE: He says he investigated 17 it. 18 THE WITNESS: He was investigating 19 everything I put in my complaint to the Court, 20 which is more than that, I think more than 21 that. 22 Q. So you spoke with Officer Horvath about 23 these things as part of his investigation? 24 A. Yeah, I spoke about that. Yes. Yes. 25 Q. So at the very least, he at least</p>	<p>1 calling you a liar and everything was -- 2 A. And if you -- 3 Q. -- this letter provided by Officer Horvath 4 to you? 5 A. Yes, sir. 6 Q. Okay. Were you able to provide any 7 evidence regarding any of the allegations made in 8 your -- into your complaints that were investigated 9 by Officer Horvath? 10 A. I did already. I did already provide 11 evidence, which is dates, times, another inmate's 12 signature, and my request slip approving. I did 13 already. 14 Q. Previously documents indicated that you 15 were not able to provide dates about -- or times 16 about when these incidents occurred? 17 A. Lie. 18 Q. So you are saying that those documents 19 were a lie? 20 A. You said any -- no. I provide times when 21 I talk to him, because it was around the time, I 22 provide. 23 I said, like, say, for example, you asked 24 me about something happened this week. I will tell 25 you in the beginning of the week, in the end of the</p>

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<p>1 last week, something like that.</p> <p>2 But, but, in my complaint to the Court, to</p> <p>3 the United States District Court, I put dates, I put</p> <p>4 times. You said for any complaints, for some</p> <p>5 complaints of them, because there was some</p> <p>6 complaints, when I find that it is -- that the hate</p> <p>7 is all over, I began to take some notes to myself.</p> <p>8 In the beginning, I wasn't taking notes.</p> <p>9 But when I find that it's too much, I begin to take</p> <p>10 notes to myself. And that's why I begin to put some</p> <p>11 dates and times. And this is what I provide to</p> <p>12 the -- to the Court right now in my -- in my request</p> <p>13 slips or my complaint.</p> <p>14 Q. So at the time it was being investigated,</p> <p>15 you weren't able to provide any evidence?</p> <p>16 A. I did provide some. I did provide some,</p> <p>17 because it's in the letters too. If you see --</p> <p>18 Q. Because -- wait. Hold on.</p> <p>19 A. How I didn't --</p> <p>20 Q. Wait. Correct me if I'm wrong, but what I</p> <p>21 thought you just said was that at the time that you</p> <p>22 spoke with Officer Horvath and Officer Werley, you</p> <p>23 were not able to provide dates regarding this</p> <p>24 information, or regarding the complaints, but you</p> <p>25 were able to provide that information later when you</p>	<p>1 coming to investigate your complaints to the Court.</p> <p>2 He didn't -- he didn't introduce himself</p> <p>3 like working in the jail. I swear to God. He told</p> <p>4 me he is an investigator from the Court</p> <p>5 Administrator. He introduce himself to me wrong.</p> <p>6 This is number 2.</p> <p>7 And in the complaints, there is dates and</p> <p>8 times. So how come I didn't give him dates and</p> <p>9 times if it's in the complaints?</p> <p>10 MR. GECKLE: Hold on a second. Hold</p> <p>11 on a second. Let me try to clear this up.</p> <p>12 I believe we are referring to</p> <p>13 Exhibit 8, which is the Investigative Report.</p> <p>14 We've already read into the record the second</p> <p>15 page of that, the investigative narrative.</p> <p>16 Correct?</p> <p>17 THE WITNESS: Um-hmm.</p> <p>18 MR. GECKLE: Then beyond that, there</p> <p>19 are some handwritten notes. And then beyond</p> <p>20 that, there is a letter from you to the Court</p> <p>21 Administrator of Northampton County.</p> <p>22 THE WITNESS: Um-hmm.</p> <p>23 MR. GECKLE: Right? That's dated</p> <p>24 December 9th.</p> <p>25 THE WITNESS: Yes, sir.</p>
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<p>1 filed your lawsuit?</p> <p>2 A. No. That's why I said my first language</p> <p>3 is not -- maybe you misunderstand me. That's why I</p> <p>4 said my first language is not English.</p> <p>5 If you -- first of all, Detective Horvath,</p> <p>6 he come to me because he said, which is -- please,</p> <p>7 please. Please, I beg you to let me continue.</p> <p>8 Q. But you already said -- you've already</p> <p>9 covered this.</p> <p>10 A. I didn't even answer nothing. You don't</p> <p>11 want me to continue. I don't know why. I didn't</p> <p>12 even say nothing yet.</p> <p>13 Q. Proceed.</p> <p>14 A. Mr. Horvath, he came to me regarding my</p> <p>15 complaint to the Court. He got complaint papers.</p> <p>16 If you read, he said you sent complaint to the</p> <p>17 Court. I sent to my Judge and the DAs, on 7 and 9,</p> <p>18 whatever dates he write, this complaints -- it's</p> <p>19 including -- some of them including times and dates</p> <p>20 on them, on the complaints.</p> <p>21 Second of all, Detective Horvath is a</p> <p>22 liar, because even when he introduce himself to me,</p> <p>23 he introduce himself wrongly. He said I'm a</p> <p>24 detective from the Court Administration, or the</p> <p>25 Court -- I'm a detective from Court Administrator</p>	<p>1 MR. GECKLE: Would you agree with me</p> <p>2 if there is not any dates in here, then there's</p> <p>3 no dates in there, in that letter to the Court?</p> <p>4 THE WITNESS: May I look at the whole</p> <p>5 letter, please?</p> <p>6 MR. GECKLE: If there are dates, then</p> <p>7 there are dates. All right?</p> <p>8 And is it also fair to say that when</p> <p>9 Horvath came to you, he asked you if you could</p> <p>10 be more specific about days and times for these</p> <p>11 incidents that you talked about, officers</p> <p>12 passing kites and officers giving -- or inmates</p> <p>13 giving officers commissary --</p> <p>14 THE WITNESS: Okay. If about the</p> <p>15 officers --</p> <p>16 MR. GECKLE: No. No. No. Answer my</p> <p>17 question.</p> <p>18 THE WITNESS: Yes, sir.</p> <p>19 MR. GECKLE: Is it fair that there is</p> <p>20 nothing about dates in this letter that you</p> <p>21 sent to the Court?</p> <p>22 THE WITNESS: I don't see this</p> <p>23 letter, no, that's including no dates, no.</p> <p>24 MR. GECKLE: And is it fair that</p> <p>25 Horvath came to you and asked you about dates</p>

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<p>1 when officers passed kites or inmates gave</p> <p>2 officers commissaries or officers allowed</p> <p>3 inmates to fight, or you saw use of drugs and</p> <p>4 smoking of tobacco.</p> <p>5 Did Horvath ask you about that?</p> <p>6 THE WITNESS: Yeah, he asked me about</p> <p>7 that and --</p> <p>8 MR. GECKLE: And at that time you</p> <p>9 were not able to give him the dates?</p> <p>10 THE WITNESS: I didn't -- not able; I</p> <p>11 was able, but I told him it's not my business,</p> <p>12 I don't want to get hurt in the jail. That's</p> <p>13 what I answered him.</p> <p>14 I didn't say I don't know the dates,</p> <p>15 or what I said to him, and he knows that. I</p> <p>16 said, I don't want to get hurt in the jail, I'm</p> <p>17 not going to talk about, that's not my</p> <p>18 business. All what I care about --</p> <p>19 BY MR. GILLIAM-BROWNLEE:</p> <p>20 Q. But you sent these letters to the Court</p> <p>21 Administrator complaining of these issues?</p> <p>22 A. I complained that they do that to inmates.</p> <p>23 MR. GECKLE: Right. Right. You sent</p> <p>24 the letter. The letter speaks for itself.</p> <p>25 THE WITNESS: Yes. Yes, sir.</p>	<p>1 I have to use the sink while the cell is</p> <p>2 locked most of the times. In any block, you're</p> <p>3 going to be locked in from 5:00 to 7:00 or from</p> <p>4 12:00 to 2:30. You are going to be locked the whole</p> <p>5 night. Because say, for example, it's different --</p> <p>6 I have to pray all the day.</p> <p>7 Q. When did these occur?</p> <p>8 A. This is from Officer Barofski. He told me</p> <p>9 when they put the paper on my -- on my cell saying</p> <p>10 that I can't -- I can't wash anything except my face</p> <p>11 in the sink, Officer Barofski told me that the</p> <p>12 lieutenant --</p> <p>13 MR. GECKLE: What lieutenant?</p> <p>14 THE WITNESS: He didn't tell me the</p> <p>15 name. He say it's order from the lieutenant,</p> <p>16 that -- you can bring him now. I don't care.</p> <p>17 Bring him and ask him this question. He said</p> <p>18 it's an order from the lieutenant that you</p> <p>19 can't do wudu except in the shower.</p> <p>20 Q. When did this happen?</p> <p>21 A. That was in B2. What date?</p> <p>22 Q. So back when you were first housed?</p> <p>23 A. Yeah. That's from the beginning of my</p> <p>24 arrest, yeah. And again Officer Rivera in K Block,</p> <p>25 before I go the E Block, he told me the same. He</p>
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<p>1 Q. But you thought it wasn't your business,</p> <p>2 and that's why you weren't able to provide any dates</p> <p>3 to --</p> <p>4 A. Not able. I don't want to.</p> <p>5 Q. Or you refuse --</p> <p>6 A. I refuse, exactly.</p> <p>7 Q. You refuse to provide --</p> <p>8 MR. GECKLE: He was worried about his</p> <p>9 safety, he said.</p> <p>10 THE WITNESS: Exactly. I was worried</p> <p>11 about my safety.</p> <p>12 BY MR. GILLIAM-BROWNLEE:</p> <p>13 Q. Okay. Were there any other incidents</p> <p>14 involving correctional officers that denied you your</p> <p>15 right to practice your religion freely?</p> <p>16 A. Can you repeat the question?</p> <p>17 Q. Were there any other incidents that we</p> <p>18 haven't talked about involving correctional officers</p> <p>19 at Northampton County Prison that did not allow you</p> <p>20 to practice your religion freely?</p> <p>21 A. Yes. Yes. When I -- all the officers of</p> <p>22 Northampton County, they told me that it's an order</p> <p>23 from the lieutenant that I cannot do wudu in my</p> <p>24 cell. I cannot -- I cannot wash. I cannot wash my</p> <p>25 hands, my feets, my face, in my cell.</p>	<p>1 told me, Gad, you know you cannot do wudu. You have</p> <p>2 to do it only in the shower.</p> <p>3 Because I was trying to do it in the</p> <p>4 shower. Because they saw me. I was try to do it in</p> <p>5 the shower, but sometimes the door is locked, and I</p> <p>6 have to pray.</p> <p>7 Q. But after that, after -- after whatever</p> <p>8 happened where you were told that you weren't able</p> <p>9 to wash in the sink, you were transferred to another</p> <p>10 cell and you were able to wash in the sink?</p> <p>11 A. No. He came to me, I told you, Officer</p> <p>12 Rivera, in K Block, he told me, you know you only</p> <p>13 allowed to do it in the shower --</p> <p>14 But when you got to --</p> <p>15 MR. GECKLE: Now let him finish.</p> <p>16 MR. GILLIAM-BROWNLEE: I'm sorry.</p> <p>17 A. Officer Rivera, they moved me from B --</p> <p>18 MR. GECKLE: To G.</p> <p>19 A. To G, from G to K. Officer Rivera came in</p> <p>20 K Block because I think, I think, the inmates keep</p> <p>21 complaining. And he told me, you know, Gad, that</p> <p>22 you are not supposed to do your wudu except in the</p> <p>23 shower. Do it like B Block.</p> <p>24 Because I was doing sometimes -- I was</p> <p>25 trying my best to make everybody happy. I was doing</p>

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<p>1 in it in the shower. But sometimes the cell is 2 locked, what can I do? I have to pray. 3 Q. But eventually you were housed in a cell 4 where you were able to wash in a sink for your 5 prayer? 6 A. That was when I was by myself, in E Block. 7 And they segregate me, when they segregate me. And 8 even when they segregate me with some people, they 9 fart on my face and they doing that like I told you 10 before. 11 Q. So now you've made some claims that people 12 posted things on your door, on the door of your 13 cell? 14 A. I put the dates. 15 MR. GECKLE: He didn't ask you about 16 dates yet. Will you let him ask you a 17 question? 18 THE WITNESS: Oh, sorry about that. 19 Q. What was posted on your door? 20 A. I hate -- I beat my wife because I hate 21 woman. I like men. I'm a gay. That's one. 22 Another time, I'm a terrorist. And I think this is 23 two of them. And most of the time was verbal, like 24 talking, like camel, terrorist, whatever, laughing 25 with the COs about that.</p>	<p>1 loudly. I hate woman, I beat my wife, and I like 2 men, I'm a gay. He put it again on my door, and he 3 left. He took it off, and he put it by his hand and 4 he left. Like this is -- this is you. 5 Q. And this happened on E-Tier? 6 A. On E-Tier, sir. 7 Q. So while you were housed on E14? 8 A. While I'm housed in E16. 9 Q. E16? 10 A. That was on E16. He just moved me to E14 11 like a week or something before they take me to 12 upstate. 13 Q. Where were -- you just mentioned that you 14 were able to see the date and the time to write it 15 down. Where were you -- 16 A. Approximately, not mention that I been 17 able. Approximately. I put it approximately 18 like -- 19 MR. GECKLE: I didn't understand a 20 word -- could you slow down, please. 21 Q. You just testified that when they would 22 put these papers on your cell window, you would look 23 at the -- you would look at the date and time and 24 write it down? 25 MR. GECKLE: I object to the form.</p>
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<p>1 Even right now, even right now while I'm 2 in jail. 3 Q. They were posted on the outside of your 4 door? 5 A. On the window. I told you there is a 6 small window on the door. There is a small window, 7 a square. They put the paper. They -- I don't 8 know, they get the tape or whatever, and they stick 9 it on the window and they leave it over there. 10 Q. Do you have any evidence of -- 11 A. Yeah. I put the date and the time on my 12 complaint. On my complaint to the Court, it's by 13 the date and the time, because I took the date and 14 the time they put it when I saw it happening, I took 15 the date. 16 When I see that it's happening, they 17 putting papers on my door, I took the paper and I 18 took the date and I put it, because you can't get 19 the paper, you are inside the cell. They put it 20 outside of my door like everybody look at it and 21 laugh. 22 And the CO came, the CO Colarusso -- he 23 took -- I told him, like why is he doing that? Can 24 you please remove this paper? He took the paper, he 25 said what is this? I hate woman. He read it</p>	<p>1 A. Okay. Can I answer? 2 Q. Yes. 3 A. It's approximately. If you look on my 4 request, I didn't put exact date and exact time. 5 Like I put the time, I know it's lunch time, so it 6 happened between, for example, 10:00 and 10:30, so I 7 put from 10:00 to 10:30. 8 There is no exact time in front of me. 9 There is no clock like that I can look on it. The 10 date, because I count it in my mind, that's all. 11 But if you look on my request slip, there's no time. 12 If I have a clock in front of me I would say at 13 3:30. I put between 3:00 and between 4:00, between 14 5:00 and 6:00. 15 Why? I know that when they do, for 16 example, when they do this count, it's at six 17 o'clock. When it's lunchtime -- 18 MR. GECKLE: All right. All right. 19 All right. 20 A. That's why I put it approximately. But I 21 don't have no access to clock. I have no access to 22 time, sir. I put it -- look at my request. 23 MR. GECKLE: All right. All right. 24 Q. Okay. But you had -- you were able to 25 write down the date and the time --</p>

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<p>1 MR. GECKLE: He's just answered that, 2 Charles. He said he approximated based upon 3 whether it's lunchtime or -- 4 THE WITNESS: I couldn't -- 5 MR. GECKLE: Shh. When it's time for 6 counting, things like that. 7 MR. GILLIAM-BROWNLEE: Okay. 8 THE WITNESS: May I say something? 9 MR. GECKLE: No. No. 10 THE WITNESS: My first language is 11 not English. That's all. 12 MR. GECKLE: You've already 13 established that. We know that already. You 14 are doing fine. 15 THE WITNESS: I'm not lying in 16 anything. 17 MR. GECKLE: I apologize for shushing 18 you. 19 BY MR. GILLIAM-BROWNLEE: 20 Q. Do you still suffer any injuries from 21 any -- from the alleged assault by Officer Wene? 22 A. Yes. 23 Q. What injuries are you currently still 24 suffering? 25 A. First of all, I went to the doctor, and he</p>	<p>1 MR. GECKLE: All right. That's your 2 answer. 3 THE WITNESS: -- or kick me or hurt 4 me. What do you think, I'm not going to be 5 suffering? 6 MR. GECKLE: That's enough. 7 BY MR. GILLIAM-BROWNLEE: 8 Q. So you still have pain in your -- 9 A. To now, yes, sir. 10 Q. On which side of your body? 11 A. On my left side. 12 Q. On your left side? 13 A. Yes, sir. 14 Q. You still have pain on your left side? 15 A. Um-hmm. 16 Q. And can you describe that pain? 17 A. It's only in certain movements, like say 18 for example, if I'm laying down, and for certain 19 time, like I'm stretching my -- and then I come to 20 sit down, I feel like stabbing, like pain, very hard 21 stabbing in certain movements, only in certain 22 movements. That's it. 23 And if I'm laying down, that's it. If I'm 24 like watching TV and laying on my shoulder like 25 that, or I'm moving in certain movements, not all</p>
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<p>1 told me that there is some -- I told him in certain 2 movement, I feel pain. He tells me this is 3 something called cartilage between the ribs. It's 4 very hard to heal. 5 MR. GECKLE: Is that cartilage? Is 6 that what you said? 7 A. Cartilage, something like that. I don't 8 know, I'm not a doctor. He said something like 9 cartilage. And he said it's between the ribs and it 10 is very hard to heal. That's why when you -- it can 11 be with you your whole life. This is number one. 12 Number two, I feel very very hard to trust 13 anybody, or to -- I have very very depression and 14 very stress and mental -- I don't know how to 15 explain it in English. But the way they treat me, 16 it makes me really, really, really change my 17 personality, change my mentality. It make me sick 18 mentally. 19 MR. GECKLE: He asked you about 20 Officer Wene I think punching you in the ribs 21 or pushing you in the ribs. 22 THE WITNESS: That's my answer. 23 MR. GECKLE: All right. 24 THE WITNESS: That's my answer about 25 if somebody punch me or push me or --</p>	<p>1 the movements, not all the movements. Only certain 2 specific movements. It hurt me. 3 And I talk to doctor about it. And she 4 told me that this is something between your ribs 5 called cartilage, and this is hard to heal. Even if 6 your rib heal -- 7 MR. GECKLE: You've already told us 8 that. 9 Q. When did you seek treatment for this? 10 A. I talk to treatment here, and in Waymart. 11 And I talk to the psychiatric about it. I talked to 12 the -- 13 MR. GECKLE: Stick with here. Who -- 14 when did you talk to anyone here? 15 THE WITNESS: Before I leave. Before 16 I leave, and after I came to the doctor. 17 BY MR. GILLIAM-BROWNLEE: 18 Q. Did you speak with a nurse? 19 A. Nurse, doctor, everybody. 20 Q. Which nurse did you speak with? 21 A. All of them. All of them. Like I don't 22 know the names, sir. 23 Q. Did you file sick requests regarding this? 24 A. Yes, I did file sick requests that I have 25 pain. And I talk to the nurse. I filed sick</p>

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<p>1 requests when I first -- when I first get punched. 2 But talking to the nurse about the cartilage, I 3 think that was when I came, because I thought it was 4 going to heal, but it's never healed. 5 Q. Do you have copies of the sick requests 6 that you filed? 7 A. They don't given you copies. They don't 8 send back copies. They keep it for themselves. 9 Never going to send a sick request and they send it 10 to you back. Never happened. I never seen it. you 11 just send a -- 12 MR. GECKLE: You've already said 13 that. You've already said that. 14 THE WITNESS: Okay. 15 Q. So what activities were you able to 16 perform before that you can't perform now as a 17 result your injury? 18 A. What activities? 19 Q. Yes. 20 A. What do you mean the activities? 21 Q. Are you limited in your movement, that you 22 can't do something that you used to be able to do? 23 A. No, I do all the activities. I do all the 24 activities. Even when I told you I have pain when I 25 lay down on my -- or stretching or laying down</p>	<p>1 to go to the block. 2 I told him, if you want to move out, and I 3 can tell you that, I told him if you want to move 4 out, write a request that you have a problem with 5 me, he will move you next day. He said why. I said 6 because he hate me. 7 He wrote a request saying that, they move 8 him next day. And the guy didn't even tell me what 9 he wrote in his request. I know what his request 10 is. How I know his request? 11 MR. GECKLE: You didn't answer his 12 question. 13 A. They used to hate me. That caused a lot 14 of problems. The hate and the discrimination and 15 abusing they did to me is a lot. 16 Q. So your mental health issues that you now 17 currently have is a result of the fact that you 18 suffered hate? 19 MR. GECKLE: And discrimination, and 20 the other abuse that he's described earlier. 21 A. Exactly. 22 MR. GILLIAM-BROWNLEE: Okay. Just 23 give me a couple of minutes to make sure I'm 24 not missing anything. 25 Q. Where are you currently housed at</p>
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<p>1 watching TV, even when I stand up, I can stand up, I 2 can do, but I have pain. I feel pain. That's all. 3 I can do all the activities, but still 4 pain. 5 Q. Okay, got it. And you suffer -- you claim 6 that you suffered mental injuries by just being -- 7 A. I'm on mental medication right now. Yeah. 8 Because when I don't take the medication, I -- I 9 keep walking around, I keep like feeling like I'm 10 very, very -- I don't know how to say it, like my 11 brain is going to explode. 12 I feel like my brain -- what happened to 13 me is abnormal. I feel like I want to get out of 14 the hole of the cell, like I want to break the wall 15 and get out from the other side. I feel like I'm 16 crazy. When I don't take the medication, I'm not 17 normal. 18 Q. What do you believe that that was a result 19 of? What do you believe that now your mental health 20 issues was a result of? 21 A. All of what they did to me. All of what 22 they did to me. All since Mr. Harman -- Mr. Harman 23 used to -- I will tell you something if you don't 24 mind, if my lawyer don't mind. Mr. Harman -- I told 25 to one guy, he want to move out of the PC. He want</p>	<p>1 Northampton County Prison? 2 A. Segregation. 3 Q. On E-Tier? 4 A. On the E-Tier. They put me at DS. They 5 disciplinary me. 6 Q. You're on the disciplinary -- 7 A. Disciplinary on E-Tier. 8 Do you want me to read -- 9 MR. GECKLE: Let him ask a question. 10 THE WITNESS: Okay. 11 Q. Are you housed alone, or are you housed 12 with a cellmate? 13 A. Alone. 14 Q. And are you able to practice your 15 religion? 16 A. In my cell by myself, yes. 17 MR. GILLIAM-BROWNLEE: Okay. That's 18 all I have. 19 * * * 20 EXAMINATION 21 BY MR. GECKLE: 22 Q. I just have a couple of questions. First 23 of all, wudu, how do you spell that? 24 A. W-U-D-U, wudu. 25 Q. And what -- can you tell us in layman's</p>

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<p>1 terms, somebody that's not a Muslim, what is wudu?</p> <p>2 A. It's -- it's cleaning yourself before you</p> <p>3 pray. Like say, for example, if you are eating and</p> <p>4 you have food in your mouth, you have to wash your</p> <p>5 mouth.</p> <p>6 Q. You don't have to give me all the details.</p> <p>7 It's cleaning before you pray?</p> <p>8 A. Yes, exactly.</p> <p>9 Q. Is that required by the Muslim faith that</p> <p>10 you be allowed to clean before you pray?</p> <p>11 A. It's required. If there is water</p> <p>12 available, you have to use the water to clean</p> <p>13 yourself before you pray.</p> <p>14 Q. And when you were on B Block, you were</p> <p>15 told you could not do wudu in the sink?</p> <p>16 A. Except in the shower, yes, sir.</p> <p>17 Q. And the showers were not always -- you</p> <p>18 said the showers sometimes were locked?</p> <p>19 A. The cells all most of the time are locked.</p> <p>20 Like, say for example --</p> <p>21 Q. All right. When were the showers</p> <p>22 available to you to use if you wanted to do wudu in</p> <p>23 the shower?</p> <p>24 A. Only in the early morning until 12:00.</p> <p>25 They lock us. That's in B2. And B2 in the early</p>	<p>1 A. Yes. Yes.</p> <p>2 Q. And then they lock them for a half an</p> <p>3 hour, from --</p> <p>4 A. From 12:00 to 2:30.</p> <p>5 Q. 12:00 to 2:30?</p> <p>6 A. Yes, sir.</p> <p>7 Q. All right.</p> <p>8 A. 2:30 or 3 o'clock sometime.</p> <p>9 Q. Hold on. And then they --</p> <p>10 A. Some days they lock us to two days</p> <p>11 straight, no out time at all.</p> <p>12 Q. Well, what I'm trying to find out is when</p> <p>13 were you not -- you're supposed to pray five times a</p> <p>14 day?</p> <p>15 A. Yes, sir.</p> <p>16 Q. How many times a day were you prevented</p> <p>17 from praying because of the showers being locked?</p> <p>18 A. Most of the time, because first of all --</p> <p>19 Q. When do you first pray? What time do you</p> <p>20 first pray?</p> <p>21 A. First pray, sometimes -- it varies,</p> <p>22 sometimes at 4:00, sometimes at 5:00. Like right</p> <p>23 now it's like 4:30 in the morning.</p> <p>24 Q. Well, the showers are always closed at</p> <p>25 four o'clock --</p>
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<p>1 morning until 12:00. Then we locked from 12:00 --</p> <p>2 Q. Wait. Wait. When were they available?</p> <p>3 They were available from --</p> <p>4 A. Some blocks they are available at certain</p> <p>5 times.</p> <p>6 Q. I want to know about B Block, where you</p> <p>7 were.</p> <p>8 A. B Block, from the morning, from -- I think</p> <p>9 they opened the door at 7:00, I think, I'm not sure,</p> <p>10 until 12:00. Then from --</p> <p>11 Q. 12:00 noon?</p> <p>12 A. 12:00 noon, which I don't have to do any</p> <p>13 pray at this time, because there is no prayer at</p> <p>14 this time. The prayer --</p> <p>15 Q. Are they opened up again after 12:00 noon?</p> <p>16 A. They open -- at 12:30 they open it again</p> <p>17 until, I think, 5:00. And then they lock it at 5:00</p> <p>18 until I think 6:30 or 7:00, I'm not sure. And then</p> <p>19 they -- they open it from 6:30 to 9:00. And then</p> <p>20 they lock it again at 9:00 or 9:30 until 6 o'clock</p> <p>21 in the morning.</p> <p>22 Q. So the showers are open from 7:00 a.m. to</p> <p>23 12:00 noon?</p> <p>24 A. Um-hmm.</p> <p>25 Q. Right? Is that right?</p>	<p>1 A. At 4:30 in the morning, for sure.</p> <p>2 Q. When is the next time you pray?</p> <p>3 A. And if the light come on, you can't pray</p> <p>4 this prayer, you missed it, because it's only --</p> <p>5 Q. I didn't ask you that. I asked you when</p> <p>6 is the next time. You said the first is 4:00 to</p> <p>7 5:00?</p> <p>8 A. Right now it's 4:30 exactly.</p> <p>9 Q. When is the next?</p> <p>10 A. The next time is at one o'clock,</p> <p>11 1:00-1:05, that's the next pray.</p> <p>12 Q. All right. And are the showers</p> <p>13 available -- were the showers available in B Block</p> <p>14 then at 1:00 p.m.?</p> <p>15 A. No, we closed. The door is closed.</p> <p>16 Q. All right. When is the next time after</p> <p>17 approximately 1:00 p.m.?</p> <p>18 A. Five o'clock, which is we are supposed to</p> <p>19 be locked in, five o'clock, dusk.</p> <p>20 Q. Were the showers available to you?</p> <p>21 A. No. No.</p> <p>22 Q. All right. And when is the next time</p> <p>23 after 5:00 p.m.?</p> <p>24 A. Right now -- right now it's supposed to --</p> <p>25 Q. I'm not talking now. I'm talking about</p>

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<p>1 June of 2017 when you were on B Block?</p> <p>2 A. June and July is the same, yeah. Same</p> <p>3 time approximately. So the next one is at 8:30,</p> <p>4 which is right now, the Maghrib, which is -- the</p> <p>5 Maghrib is 8:30 right now, and -- or 8 o'clock.</p> <p>6 This is the door is open. I can do it in the</p> <p>7 shower. But some days --</p> <p>8 Q. I'm not asking you that yet. When is the</p> <p>9 next time? You got --</p> <p>10 A. 10:30.</p> <p>11 Q. 10:30 at night?</p> <p>12 A. 10:15, 10:10 something like that.</p> <p>13 Q. 10:15, 10:30?</p> <p>14 A. Approximately, yeah.</p> <p>15 Q. All right. So when you went to pray at</p> <p>16 the four or five o'clock in the morning time, there</p> <p>17 is no shower available to you?</p> <p>18 A. No.</p> <p>19 Q. And you told the COs that the inmates</p> <p>20 would not let you use the sink. Is that what the</p> <p>21 problem was?</p> <p>22 A. Yes. Yes.</p> <p>23 Q. And the inmates said too bad, we told you</p> <p>24 you can't use the sink, you have to use the shower?</p> <p>25 A. They put paper on the sink saying you</p>	<p>1 4:50?</p> <p>2 A. Because in the Koran, in the (the witness</p> <p>3 speaks in Arabic) means -- I know you don't</p> <p>4 understand it -- means that the pray is on time. It</p> <p>5 can be different. It has to be on time. It's on</p> <p>6 time. It's in the Koran, in our Bible, it say that.</p> <p>7 Q. All right. 8:30, why can't you use the</p> <p>8 shower at 8:30 when you were on B Block? Why</p> <p>9 couldn't you use the shower?</p> <p>10 A. 8:30 at night?</p> <p>11 Q. Yes.</p> <p>12 A. Sometimes I said I -- sometimes I use the</p> <p>13 shower.</p> <p>14 Q. All right. That's the one you could?</p> <p>15 A. Yeah.</p> <p>16 Q. And how about 10:15?</p> <p>17 A. I'm locked in. I can't use the shower.</p> <p>18 Q. You're locked in?</p> <p>19 A. Yeah. They lock the door at 9:00, 9:30.</p> <p>20 How am I going to open the door and go?</p> <p>21 Q. Hold on. All right. And when you were on</p> <p>22 the Gallery, were you able to do wudu when you were</p> <p>23 in --</p> <p>24 A. Impossible. In the Gallery, impossible,</p> <p>25 because we locked down the whole day. We only get</p>
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<p>1 can't use the shower.</p> <p>2 Q. Who is they?</p> <p>3 A. The inmates put paper on the sink saying</p> <p>4 you cannot use the sink except for washing your</p> <p>5 hands.</p> <p>6 Then I told the CO and they said that the</p> <p>7 order from the lieutenant that you can only use the</p> <p>8 shower.</p> <p>9 Q. And at 1:00 p.m. is your second time when</p> <p>10 you pray; right?</p> <p>11 A. One o'clock. I can't pray because the</p> <p>12 door is locked until 2:30.</p> <p>13 Q. When you say the door, what door is</p> <p>14 locked?</p> <p>15 A. The cell door, the door of the cell, we</p> <p>16 are locked inside. And sometimes the cell is locked</p> <p>17 for two days straight. We can't get out. In the B</p> <p>18 Block, sometimes they lock us in the cell.</p> <p>19 Q. And at 5:00 p.m., why can't you use the</p> <p>20 showers at 5:00 p.m.?</p> <p>21 A. Because we are locked from 5:00 to 6:30.</p> <p>22 Q. You are locked in?</p> <p>23 A. In the cell, yeah. It's the count time.</p> <p>24 It's lock time at this time.</p> <p>25 Q. Why can't you pray at like 4:30, 4:35,</p>	<p>1 out for 20 minutes, to shower or phone call. And</p> <p>2 this 20 minutes --</p> <p>3 Q. All right. You answered the question. On</p> <p>4 K Block, were you able to do wudu when you were on K</p> <p>5 Block?</p> <p>6 A. I was doing it, but they were complaining</p> <p>7 about me. They been complaining about me.</p> <p>8 Q. We saw that. It was like --</p> <p>9 A. Yeah.</p> <p>10 Q. We saw that. Then you get sent to E</p> <p>11 Block; right?</p> <p>12 A. Yeah.</p> <p>13 Q. You were in your cell for 23 hours a day;</p> <p>14 right?</p> <p>15 A. Me, 24 sometimes. But most of the time</p> <p>16 24. But, yeah, 23 hours, supposedly.</p> <p>17 Q. You were supposed to get out 20 minutes a</p> <p>18 day for a shower and a phone call?</p> <p>19 A. Yeah. Yeah. Yes, sir.</p> <p>20 Q. And it's your understanding that the only</p> <p>21 reason you were on E Block is because the other</p> <p>22 inmates complained about your practicing your Muslim</p> <p>23 faith?</p> <p>24 A. I didn't even get any complaint. I</p> <p>25 didn't -- I was asking. I didn't understand why</p>

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<p>1 they moved me. I was getting crazy in my cell. And</p> <p>2 I don't know why they put me in a graveyard like</p> <p>3 that. They just take me from my cell to put me in E</p> <p>4 Block. I didn't -- didn't give me any answer.</p> <p>5 Q. Did anyone ever tell you -- you were on E</p> <p>6 Block for seven months. You were in solitary</p> <p>7 confinement for seven months; right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Between approximately October 2017 --</p> <p>10 MR. GILLIAM-BROWNLEE: Objection to</p> <p>11 form.</p> <p>12 Q. -- until April of 2018; right?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Were you ever given any reason why you</p> <p>15 were in solitary for that -- you know, that</p> <p>16 seven-eight month period?</p> <p>17 MR. GILLIAM-BROWNLEE: Objection to</p> <p>18 form.</p> <p>19 A. No. They didn't -- they didn't give me a</p> <p>20 specific reason. Nobody answered me, except after I</p> <p>21 complained to the Court, and I see Mr. Harman, he</p> <p>22 came and he said I will put you over there.</p> <p>23 Q. You are not answering my question.</p> <p>24 A. No, nobody give me a reason. No, sir.</p> <p>25 MR. GECKLE: All right. Those are</p>	<p>1 yourself.</p> <p>2 THE WITNESS: I didn't understand it.</p> <p>3 That's why I'm asking. What does this mean?</p> <p>4 So what is my understanding to what?</p> <p>5 BY MR. GILLIAM-BROWNLEE:</p> <p>6 Q. What if I'd say -- you tell me that you</p> <p>7 were in solitary confinement. What does that mean;</p> <p>8 that you were housed alone?</p> <p>9 A. Now I understand mean to be by yourself,</p> <p>10 yeah.</p> <p>11 Q. But you did have roommates while you were</p> <p>12 on E-Tier; correct?</p> <p>13 A. Yeah.</p> <p>14 Q. So technically you weren't really housed</p> <p>15 alone the entire time?</p> <p>16 A. I been ten months in Northampton County,</p> <p>17 seven of them by myself and three was with other</p> <p>18 inmates. But seven of them they -- the last seven</p> <p>19 after the inmates complain about me praying, they</p> <p>20 said segregate me, or solitary confinement, whatever</p> <p>21 you call it, there for seven months, yes.</p> <p>22 Q. But you did have roommates when you were</p> <p>23 able to get along with --</p> <p>24 A. When first they came, before they know</p> <p>25 that I'm praying.</p>
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<p>1 all the questions I have for you.</p> <p>2 MR. GILLIAM-BROWNLEE: Okay. I don't</p> <p>3 have any further questions.</p> <p>4 THE WITNESS: Do you mind I read -- I</p> <p>5 testify from my celly?</p> <p>6 MR. GECKLE: No, because that has</p> <p>7 nothing to do with this.</p> <p>8 THE WITNESS: A statement. Okay.</p> <p>9 * * *</p> <p>10 RE-EXAMINATION</p> <p>11 BY MR. GILLIAM-BROWNLEE:</p> <p>12 Q. Okay. Just one more question. So what is</p> <p>13 your understanding of solitary confinement?</p> <p>14 A. I don't understand what's this mean.</p> <p>15 Q. What do you consider to be solitary</p> <p>16 confinement?</p> <p>17 A. What's the meaning of solitary</p> <p>18 confinement? I don't know what's this mean.</p> <p>19 Q. What is your understanding of what that</p> <p>20 means?</p> <p>21 A. Segregation? Maybe? That's the meaning</p> <p>22 of it. Solitary confinement is mean segregation?</p> <p>23 Or to --</p> <p>24 Q. What does it mean to you?</p> <p>25 MR. GECKLE: Solitary means by</p>	<p>1 Q. You did have cellmates where you were able</p> <p>2 to get along with your cellmates?</p> <p>3 A. Yes. I never have no problem with nobody.</p> <p>4 I never have no problem with nobody, except they --</p> <p>5 even they complain, this complaints, they give to</p> <p>6 the COs. They never talk to me. They go and talk</p> <p>7 to the COs, and the COs just moved me.</p> <p>8 MR. GILLIAM-BROWNLEE: No further</p> <p>9 questions.</p> <p>10 * * *</p> <p>11 RE-EXAMINATION</p> <p>12 BY MR. GECKLE:</p> <p>13 Q. When you were on E-Tier, I know we heard</p> <p>14 about Inmate Long; right?</p> <p>15 A. Inmate who?</p> <p>16 Q. Inmate Long.</p> <p>17 A. Long, yeah. Yes.</p> <p>18 Q. Have you had other cellmates on E-Tier?</p> <p>19 And we're talking now about back in --</p> <p>20 A. I know what you're talking about. I know</p> <p>21 when it was, yes.</p> <p>22 Q. In October of 2017 through April of 2018?</p> <p>23 A. I know.</p> <p>24 Q. Did you -- how many other cellmates did</p> <p>25 you have besides Long?</p>

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1 A. As I remember, Mr. Long and Mr. Luis
2 Cuevas. I have no problem with Luis Cuevas at all.

3 Q. I didn't ask you if you had problems.

4 A. No.

5 Q. How many other cellmates did you have?

6 A. Mr. Luis Cuevas, Mr. Long, Mr. Frank
7 Hanuszak and Mr. Collin Rice.

8 Q. Okay. Those are the ones you can
9 remember; right?

10 A. This is the ones I can remember, the four,
11 all of them.

12 Q. Regardless of whether you have a cellmate
13 or not, you are -- are you kept in your cell 23
14 hours a day, except for the -- you are kept in your
15 cell, except for the time where you are allowed out
16 to take a shower or make a phone call?

17 A. Yes. And sometimes I am not able even to
18 take a shower or a phone call.

19 Q. Do they allow you any recreation when you
20 are on the E-Tier?

21 A. In the beginning, no. But when I complain
22 too many times, then they began to give it to me.

23 MR. GECKLE: Okay. Those are all the
24 questions I have.

25 MR. GILLIAM-BROWNEE: No further

CERTIFICATE

I, Florita C. Hobaugh, Court Reporter
and Notary Public in Berks County,
Pennsylvania, do hereby certify that Ahmed F.
Gad was by me first duly sworn to testify to
the whole truth and that the above deposition
was recorded by me and was transcribed by means
of computer-aided transcription under my
personal direction and that the said deposition
constitutes a true record of the testimony
given by said witness.

I further certify that I am not a
relative or employee of any of the parties, a
relative or employee of any attorney involved
in this action or financially interested
directly or indirectly in this action.

Florita C. Hobaugh, RPR
Notary Public, Berks County,
Pennsylvania
My commission expires
December 18, 2019

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1 questions.

2 (Witness excused.)

3 (Deposition concluded at 3:56 p.m.)